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ANNUAL REPORT TO MAYOR

DOCUMENTS

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*San Francisco*

Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1972 - June 30, 1973



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## MUNICIPAL COURT

### Introduction

The Municipal Court Division has the multiple responsibilities of initiating all felony prosecutions, processing felony cases in the Municipal Court, prosecuting motions to revoke probation, prosecuting all misdemeanor cases, supervising and assisting the Police Department in the preparation of arrest and search warrants, analyzing defendants' motions for diversion, issuing District Attorney complaint citations, and holding complaint citation hearings prior to prosecution. These various functions will be treated in detail in the pages following.

### Initiating Felony Prosecutions

Felony prosecutions in the Municipal Court are initiated either by issuance of an arrest warrant or, in the vast majority of cases, by issuing complaints following an evaluation of "no-warrant" felony arrests.

"No-warrant" felony arrests are those arrests made by police officers when they observe acts or obtain information which provide them with reasonable and probable cause to believe that a felony has been committed.

Following a "no-warrant" felony arrest, the case is investigated by the Inspectors Bureau of the Police Department and then evaluated in conference by a representative of the Inspectors Bureau and an experienced senior Assistant District Attorney.

To assure a just and proper disposition of these cases, the





reviewing Assistant District Attorney must possess a thorough knowledge of the current Federal and State criminal and constitutional law. Both the Federal and State Appellate Courts, especially in recent years, continually review and reinterpret the laws of arrest, search and seizure, confessions and admissions, criminal identification and other areas of criminal law, requiring continued time and effort by all prosecuting attorneys to remain abreast of these developments.

After the evaluation of the "no-warrant" felony arrest, a decision is made to initiate a felony prosecution, initiate a prosecution on a less serious misdemeanor charge, or to discharge the arrested person. This decision must be made within two days following the initial arrest. In this fiscal year, the Municipal Court Division handled 15,616 "no-warrant" felony arrest charges. This was a decrease of 980 charges from the 16,596 cases of the previous fiscal year.

A total of 50.4% or 7,875 charges resulted in felony prosecutions. This figure includes 7,860 charges which were the same charges for which the defendants were arrested or which were included in the same subject matter breakdown, such as dangerous drugs. Fifteen charges were rebooked or recharged into a different subject matter category. In addition, 11.2% or 1,756 charges were reduced to misdemeanor charges and prosecuted in the general courts. Thus 9,616 charges, or 61.6% of all charges arising out of "no-warrant" felony arrests resulted in prosecution. Taking into account constitutional as well as factual limitations,



it was concluded that the evidence in 5,985 charges, 38.4% of the cases, was insufficient for prosecution and the defendants were discharged.

In the fiscal year 1971-1972, 59.4% of all felony arrests resulted in prosecution (felony and misdemeanor) whereas in the 1972-1973 fiscal year, 61.6% of all felony arrests resulted in prosecution.

The following table illustrates the types of offenses evaluated and the results of evaluation of the fiscal year 1972-1973.



# NO-WARRANT FELONY ARREST CHARGES

July 1972 - June 1973

OFFENSE	FELONY PROSEC.	DISCHARGED	REBOOKED AS OTHER FELONY	MISD. PROSEC.	TOTAL
DRUGS:					
Opiate	1,144	726	-	17	1,887
Marijuana	1,316	724	2	362	2,404
Dangerous Drugs	471	575	-	71	1,117
Other Drug Offenses	142	112	-	10	264
HOMICIDE	81	12	-	-	93
VEHICULAR MANSLAUGHTER	19	4	-	1	24
DRIVING OFFENSES	62	19	-	26	107
DEADLY WEAPONS	230	109	-	80	419
RAPE	52	108	-	2	162
OTHER SEX OFFENSES	169	80	-	10	259
CONSPIRACY	31	209	-	11	251
BOOKMAKING	80	5	-	-	85
CHECK & FORGERY	423	154	1	48	626
THEFT	311	174	3	69	557
AUTO THEFT	325	344	-	43	712
ASSAULT	819	638	2	691	2,150
BURGLARY	885	279	-	133	1,297
RECEIVING STOLEN PROPERTY	548	1,083	4	101	1,736
ROBBERY	571	431	3	25	1,030
OTHER FELONIES	181	199	-	56	436
TOTAL:	7,860	5,985	15	1,756	15,616
	50.3%	38.4%	0.1%	11.2%	100%





The inability by victims of crimes to identify potential defendants or allegedly stolen property, and the unavailability of necessary witnesses were major factors resulting in the discharge of cases.

#### Felony Cases in Municipal Courts

Upon the filing of a felony complaint or the issuance of a felony arrest warrant and consequent arrest, the Municipal Court acquires jurisdiction over the case for the purpose of conducting a preliminary hearing before a Magistrate to determine whether there is reasonable and probable cause to require the defendant to stand trial on the charge in Superior Court.

During the period from July 1, 1972, to December 31, 1972, five Municipal Court Departments conducted preliminary hearings. An Assistant District Attorney was assigned to each department to prepare and present the necessary evidence and supporting legal authorities at these hearings. The same Assistant District Attorney in each department also prepared and presented evidence and legal authorities in misdemeanor cases where trial was held by the Court without jury. In addition, a sixth department handles all felony arraignments, felony bail settings, preliminary hearing assignments to the five previously mentioned departments, fugitives from justice from other states, and negotiating dispositions of felony cases without further prosecution. The work of this Court requires the assignment of a second Assistant District Attorney.

A reorganization of the Municipal Court was instituted,





and on January 2, 1973, three departments were assigned preliminary hearings on a full-time basis, and an additional department on a half-time basis. The misdemeanor arraignment functions previously conducted by these departments were consolidated into two departments, together with master jury calendar functions.

During the fiscal year 1972-1973, 9,544 felony cases were filed in the Municipal Court, which is an increase of 1,852 cases over the previous year.

A total of 7,048 defendants received preliminary hearings in the general courts. During the preliminary hearing, the prosecution has the burden to establish that a crime has been committed and that there are reasonable grounds for believing the defendant before the Court may have committed the crime. The defense attorney may cross-examine prosecution witnesses and present evidence and legal authorities on behalf of the defendant which may require a reevaluation of the case by the Assistant District Attorney, or a dismissal of the case by the Magistrate. Dismissals in Municipal Court are routinely requested by the Assistant District Attorney where the cases were successfully presented to the Grand Jury prior to preliminary hearing. In such an event, the case would proceed as a felony and be assigned directly to Superior Court; thus obviating the need for a preliminary hearing.

During the reported fiscal year, 42.7% of the felony cases which were filed were held for trial in Superior Court, 1.9%



were indicted, 33.1% plead guilty to misdemeanor charges, 1.6% were discharged for a guilty plea, 19.7% were discharged, and 1.0% were subject to other procedures, such as certification to Superior Court for determination of the mental competency of the defendant to stand trial, or certification to Youth Guidance Authority where the defendant is under age, and the issuance of bench warrants for the arrest of defendants who did not appear.

The following table illustrates the types of offenses involved and the dispositions made:



## DISPOSITION OF FELONY CHARGES 1972-1973

<u>OFFENSE</u>	<u>HELD TO ANSWER</u>	<u>REDUCED MISD.</u>	<u>DISMISSED FOR PLEA</u>	<u>OTHER</u>	<u>INDICTED</u>	<u>BW &amp; O.C.</u>	<u>1368 &amp; JUV.</u>	<u>TOTAL</u>
<b>DRUGS</b>								
Opiate	1,021	45	17	262	15	10	11	1,371
Marijuana	366	679	30	288	4	8	1	1,376
Dangerous Drugs	243	184	9	122	1	8	2	569
Other Drug Offenses	87	36	16	53	-	2	-	194
<b>HOMICIDE</b>	37	-	-	12	17	2	-	68
<b>VEHICULAR MANSLAUGHTER</b>	17	2	-	8	-	-	-	27
<b>DRIVING OFFENSES</b>	29	30	1	22	-	-	-	82
<b>DEADLY WEAPONS</b>	129	74	2	51	5	-	-	261
<b>RAPE</b>	64	12	-	29	1	-	1	107
<b>OTHER SEX OFFENSES</b>	177	31	1	45	23	-	-	277
<b>CONSPIRACY</b>	32	7	3	22	16	1	-	81
<b>BOOKMAKING</b>	71	68	6	50	9	-	-	204
<b>CHECK &amp; FORGERY</b>	96	294	20	65	-	3	-	478
<b>THEFT</b>	141	258	2	81	3	8	-	493
<b>AUTO THEFT</b>	228	213	1	69	1	2	2	516
<b>ASSAULT</b>	315	352	3	186	20	4	6	886
<b>BURGLARY</b>	440	391	3	131	6	4	6	991
<b>RECEIVING STOLEN PROPERTY</b>	143	266	11	137	10	2	3	572
<b>ROBBERY</b>	306	86	3	155	27	-	10	587
<b>OTHER FELONIES</b>	137	136	14	92	20	1	4	404
<b>TOTAL</b>	4,079	3,164	142	1,880	178	55	46	9,544
	42.7%	33.1%	1.6%	19.7%	1.9%	.6%	.4%	100%





## Misdemeanor Cases

During the fiscal year, the departments of the Municipal Court assigned to hear the criminal and traffic matters handled 70,745 charges based on violations of such laws, exclusive of parking violations. The following charts and text will set forth the participation of the District Attorney's staff in the prosecution of these many matters.

During the first six months of the 1972-1973 fiscal year, persons arrested or cited in lieu of arrest for misdemeanors committed in San Francisco appeared in one of the five general departments of the Municipal Court where the disposition was determined by guilty plea, court trial, transfer to the jury department, or dismissals. Felony arrests resulting in misdemeanor prosecutions were also subject to the exclusive jurisdiction of these Municipal Court Departments. Two special departments heard and determined all vehicle and traffic offenses except where a jury was demanded; and one traffic department handled related criminal offenses, such as resisting arrest and disturbing the peace. Each of these seven departments had an assigned Assistant District Attorney.

Additional departments held jury trials and heard related matters. These misdemeanor jury matters are treated separately in this report.

The general departments of the Municipal Court handled 15,587 misdemeanor charges during the first half of the fiscal year 1972-1973. Over 5,600 misdemeanor charges resulted in





convictions. Although many charges were dismissed, 2,345 charges were dismissed because the defendant pled guilty or was found guilty of another misdemeanor offense. Most of the remaining 2,533 dismissals were due to failure of the victim to identify the defendants or to respond to court when directed, inability of a victim to identify property, and reevaluation of the charges by the Assistant District Attorney assigned to the case based upon further investigation or information.

A total of 1,338 charges were not prosecuted because the defendants failed to appear or the defendants were minors. In these cases, Bench Warrants (BW) were issued or the charges were transferred to Youth Guidance Center for proceedings against the minors. Prosecution was terminated or delayed in 269 other charges. This resulted because of the possibility of drug problems or mental instability which required evaluation by experts, and because many misdemeanors occurred at the same time as a felony charge for which the defendant was being prosecuted. In such cases, the misdemeanor trails or follows the felony while the latter charge is prosecuted.

The following table illustrates the types of offenses and statutory sections involved in the general and traffic departments of the Municipal Courts for the first half of the fiscal year 1972-1973.



# MISDEMEANOR CHARGES PROSECUTED

From July 1, 1972 To Dec. 31, 1972

OFFENSE	GUILTY & NOLLO		DISMISSED			B.W. O.C.		CERT.S.C. 1368, &		JURY DEPT.		TOTAL
			FOR FLEA	OTHER	OTHER	JUV.	TRAIL	MISD.				
DRUG OFFENSES:												
Marijuana (Misd.)	59	9	76	17	-	74	235					
Dangerous Drugs (Misd.)	24	7	12	4	8	21	76					
Other Drug Offenses	271	180	186	49	43	188	917					
ASSAULT & BATTERY	160	66	182	40	33	213	694					
WEAPONS	146	113	90	49	24	128	550					
PETTY THEFT	727	54	162	151	32	245	1,371					
RESISTING ARREST & ASSAULT ON POLICE OFFICER	159	248	83	60	25	280	855					
GAMBLING	106	2	7	4	-	63	182					
LEWD & OBSCENE	37	20	17	5	8	39	126					
PROSTITUTION	474	376	108	91	12	678	1,739					
DISTURBING THE PEACE	214	75	110	38	6	110	553					
INTOXICATING LIQUOR	416	117	430	33	7	121	1,124					
MINORS (Support, Delinquency, Cruelty)	28	20	25	18	1	34	126					
VEHICLE:												
Auto Tampering	51	9	26	20	-	34	140					
Suspended or Revoked License	109	7	18	37	1	22	194					
Intoxicating Liquor	901	12	24	166	1	390	1,494					
Hit & Run Property Damage	123	24	16	26	-	40	229					
Unsafe Speed for Conditions	109	155	40	43	-	50	397					
Open Container/Drinking in Auto	92	102	22	23	-	34	273					
Other Traffic Misdemeanors	647	529	399	280	18	243	2,116					
OTHER MISDEMEANORS	821	220	500	184	50	421	2,196					
TOTAL	5,674	2,345	2,533	1,338	269	3,428	15,587					



Beginning on January 2, 1973, the Municipal Courts in the criminal division were reorganized. Previously, there were five general courts handling misdemeanors and felony preliminary hearings, and a single master calendar misdemeanor jury trial court. The reorganization resulted in two master misdemeanor courts which handle all aspects of the misdemeanor cases, including master jury trial functions. Three courts hold preliminary hearings on a full-time basis, and a fourth holds preliminary hearings and misdemeanor jury trials.

During the second half of fiscal year 1972-1973, the two master calendar misdemeanor departments handled 18,764 charges. Of these 43.0% or 8,081 resulted in guilty or nolo contendere pleas. No complaint was filed in 2,293 or 12.2% of the charges. A total of 6,261 charges were dismissed, but of those 3,271 charges were dismissed because the defendant pled guilty to another charge. A total of 2,129 charges or 11.5% were taken off calendar or out of the active prosecution status due to many factors, such as the defendant was a juvenile, a bench warrant was issued for defendants failure to appear, etc. When the total charges of 18,764 is lowered by subtracting out the off-calendar items and those charges where no complaint was filed, the total of these charges prosecuted becomes 14,342. By adding the charges resulting in a guilty plea with these that were dismissed for a plea to another charge to the total charges successfully prosecuted becomes 11,352 or 79%.

The following table illustrates the full breakdown of the





disposition of these misdemeanor charges:

The Assistant District Attorneys in the Municipal Courts also conducted 123 court trials, 2,797 motions to revoke probation, and 110 motions to suppress evidence hearings.





# DISPOSITION OF MISDEMEANOR CHARGES

From Jan. 1, 1973 To June 30, 1973

<u>OFFENSE</u>	<u>GUILTY &amp; NOLO</u>	<u>NO COMPLAIN'T FILED</u>	<u>DISMISSED FOR PLEA</u>	<u>OTHER</u>	<u>OFF CAL.</u>	<u>TOTAL</u>
<b>DRUG OFFENSES:</b>						
Marijuana	46	8	53	44	5	156
Dangerous Drugs	16	1	29	9	6	63
Other Drug Offenses	231	138	125	108	48	650
<b>ASSAULT &amp; BATTERY</b>	190	132	123	149	50	644
<b>WEAPONS</b>	148	54	76	72	46	396
<b>GAMBLING</b>	71	21	21	54	3	170
<b>RESISTING ARREST</b>	152	176	286	196	70	880
<b>PETTY THEFT</b>	567	144	507	184	177	1,579
<b>LEWD &amp; OBSCENE</b>	10	7	26	49	9	101
<b>PROSTITUTION</b>	654	532	457	426	133	2,202
<b>DISTURBING THE PEACE</b>	763	175	58	88	28	1,112
<b>INTOXICATING LIQUOR</b>	388	143	89	175	55	850
<b>MINORS (Support, Delinquency, Cruelty)</b>	19	11	5	17	1	53
<b>VEHICLE:</b>						
Intoxicating Liquor	1,528	9	80	26	345	1,988
Auto Tampering	57	5	15	26	33	136
Suspended or Revoked License	211	9	14	20	122	376
Reckless Driving	474	1	20	21	87	603
Hit & Run Property Damage	186	3	46	30	50	315
Unsafe Speed for Conditions	126	29	237	97	53	542
Open Container/Drinking in Auto	205	13	99	43	80	440
Other Traffic Misdemeanors	707	111	530	545	437	2,330
<b>OTHER MISDEMEANORS</b>	1,330	571	375	611	291	3,178
<b>TOTAL</b>	8,031	2,293	3,271	2,990	2,129	18,764
	43.0%	12.2%	17.4%	15.9%	11.5%	100%



## MISDEMEANOR JURY DEPARTMENT

The period from July 1, 1972 to June 30, 1973 was marked by a major revision in the manner in which misdemeanor arrests were processed through the criminal courts. That revision has appreciably affected the jury trial calendar.

Prior to January 1, 1973, misdemeanor complaints originated in six different Municipal Courts, and were only referred to the jury department after arraignment and specific demand for a jury trial. As of December 31, 1972, those demands totaled 713 cases. At that time, a "case" was designated as one in which a defendant was charged with one or more crimes arising out of a single incident.

Commencing on January 1, 1973, two Municipal Courts assumed the duty of receiving all the non-traffic misdemeanor filings and arraignments, as well as the jury demands in traffic matters, pre-trial conferences, hearings on pre-trial motions, and motions to revoke probation. These same courts calendared and assigned cases to any of four courts for jury trials. The net result, then, has been a consolidation of virtually all the misdemeanor filings into two full time master calendar courts which collectively may appropriately be referred to as the "misdemeanor department."

Since the implementation of the revision, the jury division has been staffed by eight full time attorneys, four of whom were assigned to the master calendar courts, the balance being



available for trial assignments. This required the addition of two attorneys to the jury trial function, and accounts for the increased number of trials since their acquisition. Whereas a total of 77 trials were heard by San Francisco juries during the first six months of the fiscal year, the total for the last six months, under the reorganization increased to 142, or by approximately 84%. The 219 trials, involving 261 defendants in a total of 391 charges, resulted in the following determinations:

Convictions - 111; Acquittals - 77; Hung Juries, 31.

The following list illustrates the general type of charge, the number of trials in which it was the substantive issue, and the approximate ratio to the total number of trials that were presented to San Francisco juries.

	<u>No. of Trials</u>	<u>Approx.%</u>
Driving under the influence of alcohol...	58	26.4
Breach of public peace.....	6	2.7
Prostitution.....	28	12.8
Theft/Fraud.....	47	21.4
Assault/Battery.....	46	21.0
Drug offenses.....	3	1.3
Weapons.....	1	.4
Sex.....	8	3.6
Minor vehicle.....	4	1.8
Manslaughter.....	3	1.3
Miscellaneous.....	15	6.8

In addition to those matters resolved through trials, the jury division, during the fiscal year, was responsible for closing a number of cases. Preliminarily, it should be noted that the definition of a "case" for accounting purposes has been revised. Since January, 1973, a "case" has been designated as







any violation for which a complaint has been filed. Under the new definition, then, it reflects a "charge", rather than a defendant against whom there may have been a single or multiple charges.

Consequently, figures pertaining to the first half of the fiscal year are disproportionate to those for the last half, and the periods will therefore be treated separately, with the latter period being considered elsewhere in this report.

Through December 31, 1972, the jury division resolved 3,113 "cases" prior to trial. Pleas of "guilty" or "nolo contendere" were entered in 1,877 cases.

In matters submitted on police reports or in which non-jury trials were conducted, convictions were secured in 7 of 13 cases, and 93 more were returned to the general criminal courts for settlement without a jury. A total of 24 minor traffic violations were resolved through the defendants attendance at traffic school, and 39 cases were closed upon a bail forfeiture. In 7 instances, it was determined that the defendant was in fact a juvenile, and those matters were certified to the Youth Guidance Center for adjudication. Of the 3,013 cases resolved in the jury division during the first six months of the fiscal year, 1,923 resulted in successful prosecution either through an admission or finding of guilt, or by forfeiture of bail.

At the six month period of the fiscal year, there was a total of 713 defendants with matters pending in the jury department. At the close of the year, this figure had increased to 1,391 representing 2,138 charges or "cases" under the revised definition.



In the Municipal Court, the District Attorney's Office handled a total of 70,745 charges and cases during the fiscal year 1972-1973. The table below illustrates the breakdown of the total.

TOTAL CASES HANDLED IN MUNICIPAL COURT

Jury Departments Final Disposition of Cases and Misdemeanor Charges Prosecuted in the General Courts . . . . .	37,855
Non-parking (Moving) Traffic Violations in Which D.A. Assisted in Prosecuting in Court (Exclusive of those tabulated above) . . . . .	4,513
Probation Revocation Hearings . . . . .	2,797
Preparation of 647f Complaints By District Attorney's Office . . . . .	9,731
Court Trials . . . . .	<u>123</u>
Total Misdemeanors Handled . . . . .	55,019
Motions to Suppress Evidence . . . . .	110
Felony Arrest Charges . . . . .	<u>15,616</u>
Total Cases Handled in Municipal Court .	70,745



## ARREST AND SEARCH WARRANTS

Recent United States and California Supreme Court decisions have made the preparation and issuance of arrest and search warrants an increasingly important function of the District Attorney's Office.

Strict search and seizure rules have necessitated the Police Department's obtaining search warrants in many more cases.

Considerable investigation by the Assistant District Attorney issuing a warrant precedes the filing of the specific factual declarations which are now a required part of both types of warrants.

In this fiscal year, 1,465 arrest warrants and 113 search warrants were prepared and issued. In addition, 70 arrest warrants were canceled.

## MUNICIPAL COURT COMPLAINT HEARINGS

An important function of the District Attorney's Office is the issuance of complaint notices (not to be confused with citations issued by the Police Department as an alternative to arrest) in cases involving neighbor disputes, barking dogs, disturbing the peace, and similar problems.

A notice is mailed to the party against whom a complaint has been made directing his appearance in the District Attorney's Office at a specified time. At that time, a hearing is conducted by an Assistant District Attorney with all parties present.







Following the complaint hearing, a warrant of arrest may issue or, more commonly, the matter is settled in this office.

In addition to complaints instigated by private citizens, many state and local agencies use the complaint citation process to secure compliance with the law. City and County agencies include: Tax Collector; Fire Department; Department of Public Health; Department of Electricity; Department of Public Works. State agencies include: Board of Equalization; Department of Industrial Relations; Department of Employment; Board of Medical Examiners; Department of Professional Standards; Department of Public Works.

During the fiscal year, 1,761 District Attorney complaint citations were issued.

#### OTHER FUNCTIONS

The Municipal Court Division has voluminous communication with the general public which does not result in litigation of a criminal nature. Many persons with civil and criminal problems are referred to this office by the Police Department and by other public and private agencies. Every effort is made to direct the inquiring citizen to the proper agency if his case is not within the geographical or statutory jurisdiction of this office.

Needless to say, there are numerous incoming telephone calls; many of the problems presented require the legal opinion of an Assistant District Attorney.



## RECAPITULATION-MUNICIPAL COURT RESPONSIBILITIES

Each morning before court an Assistant District Attorney reviews all police reports of incidents occurring within the preceding 24 hours. Arrest and citation reports are separated, and felony arrest reports are referred to the senior Assistant responsible for evaluation. Misdemeanor arrests and citations are reviewed for accuracy of charges, and appropriate complaints in the case of arrests are prepared. Additional traffic and common drunk complaints are also prepared.

Two Assistant District Attorneys take the misdemeanor complaints to their Master Calendar court for filing. In court the defendants are arraigned and bail is set. Thereafter, pleas are entered and jury is demanded or waived, and court trials set for hearing. The two Assistant District Attorneys assigned to the felony arraignment court follow a similar procedure when felony complaints have been prepared after conference and evaluation with the representative of the Police Department Inspector's Bureau.

Two jury departments set trial dates for all matters referred for jury trial and another jury department hears all matters relating to the legality of the arrest, legality of the search and seizure, and applicability or constitutionality of the statutory violation charged. All jury departments conduct court trials.



## APPELLATE DIVISION

The Appellate Division of the office prosecutes all appeals arising in the Municipal Court from misdemeanor convictions, motions to suppress and demurrers. Such appeals are taken to the Appellate Department of the Superior Court and may be filed either by the defendant or by the People, in an appropriate case. The Appellate Division consists of one Assistant District Attorney who prepares and files motions, affidavits, briefs and various other forms of pleadings relating to such appeals. This attorney makes a regular appearance each Friday morning before the three-judge Appellate Department for oral argument on such matters.

The attorney assigned to the appellate office also prepares pleadings and appears in Municipal Court in connection with demurrers and various pretrial motions. These hearings are regularly held on Monday and Wednesday mornings in Department #17 of the Municipal Court, sitting in criminal law and motion. There were approximately four hundred such matters during this past fiscal year. The attorney also prepares briefs and appears for oral argument in response to petitions for extraordinary writs in both the Superior Court and the United States District Court for the Northern District of California.

Between July 1, 1972 and June 30, 1973, five appeals were taken by the People. One of these was later abandoned when







the defendant disclosed she was a juvenile. The People won reversals on the other four.

During the same year period, a total of sixty-one appeals were filed by defendants, argued and decided. Additionally, there were twenty-one appeals pending at the end of the fiscal period. The results of the completed appeals taken by defendants are as follows:

1. Affirmed . . . . . 31
2. Reversed . . . . . 11
3. Appeal dismissed upon motion of district attorney for failure of defendant to prosecute appeal with due diligence . . . . 24

The majority of the reversals, six in number, were minor traffic offenses. The remaining five reversals included a question of bail forfeiture, and reversals-without-active-opposition arising in cases in which there was a change in the law pending appeal.



## SUPERIOR COURT DIVISION

The Superior Court Division of the District Attorney's Office has as its principal function the prosecution of all felony cases occurring in the City and County of San Francisco. It must represent the People in a Master Calendar Department and seven criminal trial departments of the Superior Court, four of which are at the City Hall. The District Attorney's Office has twenty-two attorneys whose regular assignment is the trial of criminal cases in the Superior Court.

Superior Court criminal cases first appear for arraignment in the Master Calendar Department. A plea to the charge or charges is entered by the accused. Preliminary motions are normally made in this court to: (1) set aside the information or indictment; (2) suppress evidence; (3) sever cases for trial; (4) have an accused mentally examined; and (5) consolidate cases for trial. In addition to the matters just mentioned, all cases are assigned for trial from the Master Calendar Department to the seven criminal trial courts.

During the fiscal year 1972-73 the Master Calendar Division began with 383 cases awaiting trial involving 483 defendants. As a result of excellent trial preparation and calendar management, plea negotiations and pleas of guilty, these figures were reduced by July, 1973, to 168 cases awaiting trial involving 217 individual defendants.



Other proceedings which also take place in the Master Calendar Court are: hearings on certifications from Municipal Court for the determination of present sanity of an accused; hearings on petitions for writs of habeas corpus and writs of mandate; hearings on petitions for commitment of defendants as mentally disordered sex offenders; hearings on petitions to determine whether or not a defendant is addicted to the use of narcotics; and hearings on motions to revoke or modify probation. All members of the District Attorney's staff in the Superior Court Division participate in these functions.

Three Assistant District Attorneys are regularly assigned to the Master Calendar Department. Their duties embrace the evaluation of cases by review of the entire file; the negotiation of guilty-plea dispositions; preparation and presentation of the various pretrial motions; trial assignments to the seven trial courts; and assignments regarding motions and the other proceedings described above.

In addition to the preparation and trial of jury cases, the attorneys of the Superior Court Division evaluate, prepare written briefs and memoranda in support of, and present the People's position in these above mentioned proceedings. With the increasing complexity of the criminal law produced by new legislation and court decisions, more research and preparation are required of trial attorneys.

During the fiscal year July 1, 1972 to June 30, 1973,





there were 2,156 case filings in the Superior Court Division consisting of informations filed by the District Attorney and indictments returned by the Grand Jury, involving a total of 2,547 defendants. This amounts to approximately 180 cases filed per month. There were 2,887 individual defendants who appeared on 2,482 matters which included, in addition to the informations and indictments mentioned above, all other Superior Court matters such as petitions for rehabilitation and pardon, commitments for narcotic offenders and other similar matters. The disparity occurring between the number of cases filed and the number of defendants charged is explained by the fact that many case filings include more than one defendant. Of the cases reaching final disposition 2,372 defendants entered pleas of guilty. There were 226 jury trials resulting in 178 verdicts of conviction; 28 verdicts of acquittal; and 20 jury disagreements. Jury disagreements nearly always result in conviction on retrial of the case or by pleas of guilty. Thus, convictions occurred in 87% by jury verdicts of guilty or pleas of guilty before retrial, while acquittals occurred in 13% of the trials.

For the first half of the year 1973 statistics of the Superior Court Division show the following:

On January 1st there were 190 felony cases awaiting trial involving 251 individual defendants. By the end of June the number of cases had been reduced to 168 with only 217 individual defendants.

The filings of new cases averaged 193 a month for the



first six months of 1973. The six months break down as follows:

January	161 cases	207 defendants
February	176 "	214 "
March	199 "	258 "
April	200 "	268 "
May	234 "	293 "
June	186 "	214 "

Totals	1,156 cases	1,454 defendants
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During this six month period 1,127 separate cases were disposed of: 105 by felony jury trials, 1,131 individual guilty pleas (some cases involving more than one defendant) and by other dispositions short of trial. There were 88 guilty verdicts, 9 acquittals and 8 disagreements. Most of the latter resulted in subsequent conviction by guilty plea or retrial.



## OBSCENITY PROSECUTIONS

During the past fiscal year the District Attorney's office continued its efforts to control the distribution and exhibition of obscene material in theaters, bars and other public places. There were numerous arrests involving some twenty-seven offenders. Eleven of these individuals were convicted of obscenity offenses; the charges against the remaining sixteen individuals were subsequently dismissed following jury verdicts or on the motion of the court after hearing.

Two theater operators were brought to a jury trial for the exhibition of obscene motion pictures. One trial resulted in a hung jury in favor of conviction; in the other, the defendants were acquitted. The outcome of both trials reflect the attempt of exhibitors to promote full length motion pictures containing sexual conduct with a story line to add an alleged social importance to the film.

In addition to the routine appellate work which accompanies the prosecution of pending cases, two convictions from previous years, 1967 and 1970, continue to be litigated in the appellate courts.

The most serious obstacle for successful obscenity prosecution in San Francisco, as well as other Bar Area counties, is the requirement of expert testimony on each and every element of the definition of obscenity. Due to financial limitations,





this office has been unable to follow the pattern of the Federal prosecutors and a limited number of county prosecutors and invite knowledgeable experts from the East Coast and other distant locations to testify in jury trial prosecutions. In addition, the reorganization of personnel in the San Francisco Police Department resulted in the loss of two witnesses whose expertise had been useful in previous cases.

The effect of the recent decision of the United States Supreme Court on the subject of obscenity is not yet settled. This office has met with the Office of the California Attorney General and is studying the decision and applicable statutes to insure effective enforcement in this field of the criminal law.



## VICE CONTROL

In cooperation with the Bureau of Special Services of the San Francisco Police Department, those efforts to expedite the prosecution of cases involving violations of the laws relating to pimping and prostitution which were begun in fiscal 1971 were continued and intensified. Specifically, greater emphasis was placed on the following:

1. Prosecution of known and suspected pimps and panderers;
2. Identification of premises used for the purpose of prostitution and enforcement of the Red Light Abatement Act with reference to those premises;
3. Use of improved techniques to minimize recidivism among convicted prostitutes.

Prosecution of Known and Suspected Pimps - In cooperation with the San Francisco Police Department, all cases involving suspected or known pimps or panderers were routed through the office of a single Assistant District Attorney assigned to Vice Control. This procedure resulted in the speedier disposition of cases involving such persons than had previously been experienced when such cases were assigned to various prosecutors on a rotation basis. In fiscal 1972-1973, sixty-five (65) known or suspected pimps were convicted in the Superior Court, twenty-two (22) of whom were sentenced to the State Penitentiary. The great majority of the balance of those convicted received grants of probation with the



condition that they serve a period of confinement in the County Jail. One case ended in acquittal after jury trial and one case was dismissed because the witness for the prosecution was unavailable. At the time of this writing there are four (4) cases awaiting Superior Court trial, five (5) awaiting preliminary hearing, and there are warrants outstanding against eight (8) persons who have fled the jurisdiction. The total number of persons convicted since the inception of the vice control program is one hundred ten (110).

Use of the Red Light Abatement Act - Procedures which were begun in 1971 which were developed to insure maximum utilization of the Red Light Abatement Act were continued and accelerated in fiscal 1972-1973.

In fiscal 1972-1973:

(a) Formal lawsuits were in progress and preliminary injunctions were in effect with reference to twenty (20) different parcels of property.

(b) Two hundred twenty-five (225) property owners had instituted security procedures recommended by the Vice Control unit and had, thereby, voluntarily abated the nuisance.

(c) Investigations were pending with regard to two hundred fifty (250) parcels of property which showed minimal prostitution activity.

Use of Improved Techniques - The specialized and intensified training of police officers and prosecutors in the area of vice control continued through fiscal 1972-1973.





Record keeping procedures were streamlined to insure maximum effectiveness derived from reduced manpower expenditures. Greater use of computer equipment and the initiation of extensive cross-referencing techniques contributed to this economizing. More efficient methods of disseminating information were begun and retrieval of information became easier due to the use of standardized input systems. The marked increase in the number of requests for information received from other Bay Area counties during fiscal 1972-1973 attest to the effectiveness of the programs developed here.



## BUSINESS INVESTIGATION - CONSUMER PROTECTION SECTION

This Section formerly changed its title on May 1, 1973 to the Business Investigation - Consumer Protection Section. Prior to that time, it only dealt with consumer problems on a part-time basis. Because of this change, each function will be discussed separately.

### BUSINESS INVESTIGATION

During the past fiscal year this section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, and other related criminal activities.

Investigations are initiated by complaints from citizens and from federal, state and local agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the Office of the District Attorney, at which time all interested parties are invited to appear.

If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the intricacies of the case.



Following arrest for a felony, the defendant is held to answer for trial either through a preliminary hearing or by indictment.

### CONSUMER PROTECTION

During the past fiscal year, consumer protection enforcement has steadily grown. 525 new complaints were received which was an increase over the past years. During the same period 410 matters were resolved which resulted in consumers receiving goods, services or money valued at approximately \$20,000. Investigation of these matters are initiated by complaint from citizens and various private and governmental agencies. After their receipt, each business or individual complained about is contacted either in person or by letter in an attempt to resolve the matter. In some cases, a hearing may be held at the Office of the District Attorney at which time all interested parties are invited to appear.

If the matter cannot be resolved in the above manner, then, after further investigation, an action may be instituted or the matter dismissed depending upon the facts of each case. In instituting an action, the District Attorney's office may file a criminal or civil action, again depending upon the facts developed during the investigation. Criminal prosecution can result in the guilty party being sent to jail, fined, or both. In addition, the Court may order restitution to the victims. Civil actions involve the bringing of injunctive proceedings.





These actions are initiated by the filing of a civil complaint and the obtaining of a temporary restraining order or a preliminary injunction and ultimately a permanent injunction. These proceedings may take from a few weeks to many years before they are completed. They result not only in stopping illegal practices but also in obtaining \$2,500 penalty for each violation.

During the past year, three new injunctive actions were initiated. One of these was disposed of during the year in which \$5,000 was recovered for the City and County of San Francisco. Presently, there are six civil injunctive actions awaiting trial.



## GRAND JURY

One important function of the District Attorney is to act as legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and cases are presented each Monday evening. When indictments are voted they are formally presented to the Presiding Judge of the Superior Court on the following Thursday morning.

During the fiscal year (1972-1973), 294 witnesses were called to testify before the Grand Jury. A total of 58 indictments were returned involving 99 defendants, with a total of 220 charges.

A review of the Calendar year 1972, indicates the following:

Total No. of Indictments filed in 1972 . . . . .	65
Total No. of Defendants Indicted in 1972 . . . . .	101
No. of Defendants with Final Disposition . . . . .	98
Guilty . . . . .	84
Not Guilty . . . . .	2
Dismissed by District Attorney (plea to other felony, etc.) . . . . .	7
Dismissed by Judge (995 P.C.) . . . . .	3
Juvenile Court . . . . .	2
No. of Defendants Pending Trial (Trial delayed by Appellate Court) . . . . .	1
Fugitives . . . . .	2

From the above figures it is apparent that of the 86



defendants whose cases were finally disposed of by guilty pleas or trial, 97.8% were convicted.

In March of this year the Grand Jury met specially on seven occasions to investigate the cause of two riots which occurred in the County Jail. The District Attorney presented a total of thirty-six witnesses who gave relevant testimony. Following these hearings the Grand Jury submitted a report disclosing its conclusions and recommendations to the Board of Supervisors.

In September, 1972, at the request of the 1972 Grand Jury, we began an investigation into alleged criminal violations in the administration of an operating agency of the San Francisco Model Cities Agency known as Southeast Community Development Corporation. An Assistant District Attorney, with the assistance of two San Francisco Police Inspectors, examined all relevant documents, witnesses, and the ramifications.

Due to the complex nature of the investigation it was impossible to file a report until April, 1973. This comprehensive report was filed with the Foreman of the 1973 Grand Jury. The report and relevant witnesses were examined by members of the 1973 Grand Jury and thereafter their conclusions and recommendations relating to this matter were presented to the Mayor and to the Board of Supervisors.





## BUREAU OF INVESTIGATION

### Criminal Division

The Criminal Division of the investigative staff of the San Francisco District Attorney's office is currently composed of thirteen Investigators. They are presently assigned in the following manner: three are working with the Business Investigation/Consumer Protection Division; four are assigned to the Aid to Families With Dependent Children Division; one is assigned to the Uniform Reciprocal Enforcement of Support Division; and the five remaining Investigators are assigned to the trial deputies.

The function of the investigative staff is the evaluation of complaints which are initiated by private citizens, as well as law enforcement agencies at all levels of government, including federal, state and local agencies.

The investigations conducted by this staff are designed to ascertain all of the pertinent facts with reference to any given situation. This requires the location and interview of all percipient witnesses whose testimony would be needed in order to reconstruct in formal court hearings the events which are being litigated. Based on the information obtained, the Deputy District Attorney can now determine whether or not to issue an arrest warrant. Once a person is in custody, it is the Investigator's responsibility to secure declarations and additional witnesses, serve subpoenas, uncover information which may be needed to rebut the assertions of defense witnesses, and testify in Court, as



necessary. The individual Investigator is also responsible for securing physical evidence at the scene of the crime, which duty encompasses the charting and photographing of said locations.

In addition to the investigation of cases (for trial), the Investigators are required to research and report on Demands For Speedy Trials, under Section 1381 of the Penal Code, and to research and report on requests for Certificates of Rehabilitation and Pardon under Section 4852.01 of the Penal Code.

Investigations . . . . .	1,868
Reciprocal . . . . .	479
Demands For Trial . . . . .	175
Subpoenas served . . . . .	182
Rehabilitation & Pardons . .	16



## Psychiatric Division

The primary functions of the Psychiatric Division are as follows:

(1) To represent the City and County of San Francisco as designated in Section 5114 of the Welfare and Institutions Code.

(2) Investigation of alleged mentally disordered and intemperate persons, as well as those addicted to narcotics and habit forming drugs; when appropriate taking action under the Penal or Welfare and Institutions Codes.

(3) To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism, and drug addiction.

Section 5114 of the California Welfare and Institutions Code specifically assigns the responsibility of presenting the People's case at any judicial proceeding under that code to the District Attorney. A member of the legal staff has been assigned to these duties which include Jury Trials demanded by the alleged mentally ill. One of these trials was held during the past fiscal year, the patient being hospitalized as the result.

Court appearance by the District Attorney at Writs of Habeas Corpus hearing demanded by the alleged mentally ill is also mandatory under Section 5114. During the fiscal year 1972-1973, twenty-four hearings were held on Writs of Habeas Corpus, two were granted, twenty-two denied.





Complaints concerning mental illness or deficiency, alcoholism and drug and narcotic addiction are investigated by a psychologist employed by this office and regularly assigned to all such cases. Whenever advisable a member of the legal staff is also assigned. Where reasonable and probable cause exists and where no relatives or other interested parties are located or willing to assume responsibility this office takes appropriate action under either the Penal or Welfare and Institutions Code.

During the fiscal year ending June 30, 1973, the Psychopathic Division was directly concerned with 243 investigations.

Mental Illness	183
Narcotics & Drugs	34
Intemperance	<u>26</u>
	243

In addition, the Psychopathic Division conducted numerous investigations during the fiscal year which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings. Many other complaints were found, upon investigation, to be without merit, and legal action was unnecessary.



## Aid to Families with Dependent Children Division

Pursuant to Section 11475 of the Welfare and Institutions Code, the Department of Social Services and the Youth Guidance Center refer new cases concerning dependent children to the District Attorney for investigation.

This office does not determine the eligibility of applicants for aid; such determination is made exclusively by the Department of Social Services. The principal functions of the AFDC investigators are:

1. Finding absent parents to enforce legal support obligations.
2. Instituting proper criminal action against those who have fraudulently received aid.

During the fiscal year 1972 - 1973:

1,662 New AFDC cases referred.  
176 Inactive cases reopened.  
2,653 Active cases held over from last year.  
4,491 Total active case load.  
2,099 Cases closed.  
2,392 Active cases as of July 1, 1973.

Approximately 1,515 interviews were held regarding the above cases.

The following were the reasons for closing 2,099 cases:

Insufficient information to pursue.

The impossibility of establishing paternity.

Uniform Reciprocal Support Action by this office, whereby an order was obtained for support from a responsible parent residing outside of California.

Convictions under Section 270 of the Penal Code, resulting in sentences of probation or incarceration.



The complainant left this jurisdiction.

The defendant was located by this office and a support agreement reached for payment either to the recipient or the Department of Social Services.

The Adult Probation Department took over supervision of the absent parent on voluntary probation (Section 580(d) of the Welfare and Institutions Code) or per Section 4702 of the Civil Code. 135 cases were referred under these two sections.

It is estimated that during 1973 the AFDC investigators effected savings to the taxpayers in the amount of \$190,716.

#### Paternity

The increase in illegitimacy is a contributing factor to the increase of welfare disbursements. Establishing paternity of these children is difficult, but AFDC investigators endeavor to have the natural fathers voluntarily acknowledge paternity through written statements, and then arrange support payments commensurate with the individual's income. During this fiscal year, 91 such statements were obtained by the AFDC investigators. Thirty-eight additional cases were referred for review for possible civil paternity action.

#### Investigations for Other Jurisdictions

Another duty of the AFDC investigators is locating and interviewing absent parents, verifying wages, securing voluntary paternity acknowledgments and other data for other jurisdictions. Approximately 298 such requests were received and processed during this year.







## Welfare Fraud

Fraud is the general term applied to those cases in which there are reasonable grounds to believe that a welfare recipient has received aid as the result of wilfully and knowingly making false statements or failing to disclose a material fact in order to obtain such aid.

These cases are initially detected and investigated by the AFDC investigators of this office or are referred to us for additional investigation and analysis by the Department of Social Services. Depending on the circumstances under which the fraud was perpetrated, criminal charges have been filed for violations of Welfare and Institutions Code Sections 13800 and 11483 (Misrepresentation), and Penal Code Section 487 (Grand Theft).

The total number of warrants issued, arrests made, convictions secured and restitution obtained for fiscal year 1972 - 1973 is indicated by the following statistics:

### Case load pending from last fiscal year

Cases pending further investigation	12
Arrests - pending court disposition	10
Unserved warrants	64

### 1972 - 1973 Activity

Suspected fraud cases newly referred	213
--------------------------------------	-----

No criminal charges filed by the District Attorney due to insufficient evidence, statutes, or where civil money judgment had been entered in favor of San Francisco County	98
--	----



Restitution in the amount of \$15,354.00  
collected as a result of citation hearings.

Warrants issued	130
Arrests	82
Warrants cancelled	10
Convictions	66
Restitution ordered by court \$126,283.71	
Cases pending further investigation	16
Arrests - pending in court	12
Unarved warrants	106



## BUREAU OF FAMILY RELATIONS

This Bureau investigates all complaints of a purported criminal nature arising between members of a family or putative family.

Four staff members investigate these complaints, which include: failure to provide for a minor child; failure to provide for an indigent wife; assault; battery; wife beating; disturbing the peace; threats to do bodily harm; malicious mischief; mental illness; alcoholism; narcotic addiction; establishment of paternity for a child of an unwed mother; denial of visiting rights to a parent where custody of his child is under court order; and various other types of domestic difficulties.

All alternative actions to resolution of these domestic complaints are explored prior to the issuance of any arrest warrant. District Attorney citation notices are issued and informal hearings are conducted to determine the facts regarding the alleged crime. The limits of the law are defined to both the complainant and defendant. The necessity for issuance of an arrest warrant is eliminated in most cases to the satisfaction of all concerned persons; thus settling the dispute and saving court costs by not adding to crowded court calendars.





When there is no infraction of the California Penal Code, Bureau staff often will refer persons to appropriate community agencies offering counseling or other services to those needing help. For example, cases of mental illness or alcoholism are referred for investigation to San Francisco General Hospital, Psychopathic Division.

This Bureau invokes Section 270 of the California Penal Code (failure to provide for minor children, both legitimate and illegitimate). Every effort is made to secure voluntary contributions for support. Although 895 complaints of non-support were made, only 31 warrants for arrest were issued. There were 46 voluntary referrals made to the Adult Probation Department under Section 580 (d) of the California Welfare and Institutions Code. The members of the staff were, in most cases, able to secure the cooperation of the absent parent as a result of investigation and the citation hearing process.

A great deal of time and effort is exerted in searching for defendants who do not reside in our jurisdiction or in California. Our Bureau has many sources of information besides District Attorney offices of other jurisdictions. There is a voluminous correspondence with agencies such as the following: California Bureau of Criminal Identification and Investigation, California Department of Human Resources Development, Armed Forces of the United States, unions and employers.



The Bureau of Family Relations makes direct referrals to the Uniform Reciprocal Enforcement of Support Division in the District Attorney's Office. Approximately 36 referrals were made for URESA processing. Previously non-welfare mothers were referred for this civil remedy to an attorney of their choice, which in many cases, was costly and time consuming.

During the year, 1,496 complaint notices were mailed; 1,017 hearings were held; and 1,481 referrals were made. Approximately 5,000 telephone inquiries regarding case status, specific complaints, and general information were handled by this Bureau.

This year Bureau staff continued a program for more complete classification of complaints. Since April 1973 we have limited the Domestic Difficulty classification to family problems caused primarily by non-criminal behavior. There were 359 complaints of drinking associated with alleged criminal activity and 123 complaints of possible mental illness associated with alleged criminal activity. Because of the noticeable increase of complaints about misuse or abuse of narcotics within a family setting, the Bureau began listing Narcotics as a separate classification since April, 1973. During this latest three-month period there were 26 complaints in which abusive use of narcotics was alleged to be associated with other purported criminal activity. Bureau staff makes referrals to agencies offering assistance with



the problem of drug abuse. In many instances complaints are brought to the attention of the police Narcotics Detail when information might be helpful for identifying the source of illegal trafficking in drugs.

In April, 1973, the Bureau staff also began to record the number of complaint interviews held. During the last three-month period our staff held 812 such interviews.

There has been much turnover of investigative staff this past year. However, our investigators are currently being certified to their positions on a permanent basis, and it is hoped this will help to stabilize the Bureau's investigative staff for the coming years.

The Bureau of Family Relations processed the following complaints during the fiscal year:

<u>CLASSIFICATION</u>	<u>CASES</u>
242 Penal Code (Battery)	1.228
270 Penal Code (Non-Support of Minor Children)	895
270 (a) Penal Code (Non-Support of Indigent Wife)	27
273 (d) Penal Code (Felony Wife Beating)	27
279 Penal Code (Denial of Visiting Rights)	123
415 Penal Code (Disturbing the Peace)	580
594 Penal Code (Malicious Mischief)	139
653 (m) (Annoying Telephone Communications)	288
Domestic Difficulties	1,250
Drinking	359
Narcotics (3 month period)	26







<u>CLASSIFICATION</u>	<u>CASES</u>
Mental Illness	123
Threats	612
Unwed mothers (establishment of paternity)	65
Miscellaneous	367
	<hr/>
	TOTAL: 6,109



## UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT DIVISION

This division, as its primary function, conducts civil actions under the Uniform Reciprocal Enforcement of Support Act to secure support for local children from fathers who live in another state or county, and to secure child support payments from residents of San Francisco whose dependents reside in other jurisdictions. As regards this function, the activities of the fiscal year are summarized as follows:

CASES INITIATED FOR LOCAL CHILDREN . . . . .	76
AVERAGE NUMBER OF SUCH CASES PER MONTH . . . . .	6.33
CASES INITIATED FOR CHILDREN OR OTHER JURISDICTIONS . . . . .	241
AVERAGE NUMBER OF SUCH CASES PER MONTH . . . . .	20.08
TOTAL RECIPROCAL SUPPORT CASES PROCESSED . . . . .	317
AVERAGE OF NEW RECIPROCAL SUPPORT CASES PER MONTH . . . . .	26.41
CONTEMPT CITATIONS INITIATED FOR PAYMENT DELINQUENCIES . . . . .	72
CHANGES OF VENUE FROM SAN FRANCISCO TO OTHER JURISDICTIONS . . . . .	91
CHANGES OF VENUE TO SAN FRANCISCO FROM OTHER JURISDICTIONS . . . . .	13

In a substantial number of reciprocal support cases the defendant either moves away from San Francisco or proves to have so little income that the court will not issue a support



order. Despite these factors, many support orders were secured. The results in that regard can be summarized as follows:

SUPPORT ORDERS . . . . .	146
SUPPORT ORDER MODIFICATIONS . . . . .	23
INTERIM ORDERS RE CONTEMPT . . . . .	75
WAGE ASSIGNMENTS . . . . .	31
WARRANTS OF ATTACHMENT FOR CONTEMPT . . . . .	<u>52</u>
TOTAL ORDERS SECURED FOR OTHER JURISDICTIONS	<u>327</u>
SUPPORT ORDERS OBTAINED BY OTHER JURISDICTIONS FOR LOCAL CHILDREN AT OUR REQUEST . . . . .	<u>64</u>

The division also conducts civil contempt proceedings under Section 4702 of the Civil Code against persons who, by provision in divorce decrees, are under a court order to pay child support through the San Francisco Adult Probation Department and have failed to do so. The statistics regarding cases of this type referred to the division by the Adult Probation Department are as follows:

NUMBER OF NEW CASES REFERRED . . . . .	71
SUPPORT ORDER MODIFICATIONS . . . . .	39
WAGE ASSIGNMENTS . . . . .	22
COMPLIANCE SECURED WITHOUT FURTHER ORDER . . . . .	4
MOTHER OF THE CHILDREN WITHDREW REQUEST THAT THE ORDER BE ENFORCED . . . . .	9
DEFENDANT NOT YET SERVED WITH PROCESS . . . . .	4
REFERRAL REJECTED FOR PROCEDURAL DEFECTS . . . . .	3
CASE TRANSFERRED TO COUNTY IN WHICH THE CHILDREN NOW RESIDE . . . . .	2





The division also initiates and prosecutes civil paternity actions against the alleged fathers of San Francisco children who are dependent on welfare, when paternity has been denied. Such prosecutions were hampered during the fiscal year by a court decision which determined that the mother of an illegitimate child is entitled to full welfare support, if otherwise qualified, even though she refuses to identify the father of the child or to assist in any other way in securing a contribution from him toward the cost to the community of supporting his child. As a result, only twenty-eight paternity cases could be initiated during the fiscal year, and seven of these could not be continued because of lack of cooperation by the mothers. Furthermore, fourteen cases which had been initiated prior to July 1, 1972, were necessarily discontinued during the fiscal year because of the refusal of the mothers to cooperate further.

Nevertheless, paternity was established and child support orders were secured in fifteen paternity cases, calling for payments to San Francisco by fathers of illegitimate children in the amount of \$21,486.96 per year.

Finally, the division secures civil judgments against insurance companies as to bail bonds which were issued by the companies to guarantee the appearance in court of criminal defendants and subsequently were declared forfeited by the Superior Court when the defendants failed to appear. During the fiscal year, the Superior Court issued collection orders



as to forty-two bail bonds which had previously been declared forfeited. The division dealt with these collection orders as follows:

SUMMARY JUDGMENTS SECURED . . . . .	40
PAID BEFORE SUMMARY JUDGMENT . . . . .	1
SUMMARY JUDGMENT PENDING ON JUNE 30, 1973 . . . . .	<u>1</u>
TOTAL . . . . .	<u><u>42</u></u>

One summary judgment secured during the fiscal year is presently on appeal, while another was set aside on motion presented to the court. Fifty-two judgments totalling \$90,700.00 were collected during the year. Interest in the amount of \$1,671.06 was also collected. Collections ordered prior to July 1, 1973, which remained uncollected on that date could be summarized as follows:

COLLECTION PRESENTLY PRECLUDED BECAUSE THE COLLECTION ORDER HAS BEEN APPEALED . . . . .	\$97,875
COLLECTION PRESENTLY PRECLUDED BECAUSE THE BONDING COMPANY IS IN LIQUIDATION . . . . .	43,125
COLLECTIONS IN PROCESS AT END OF FISCAL YEAR . . . . .	<u>3,100</u>
TOTAL UNCOLLECTED . . . . .	.\$144,100



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**ANNUAL REPORT TO MAYOR**

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Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1973 - June 30, 1974





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## Municipal Court Division

### Introduction

The Municipal Court Division initiates all felony prosecutions. This includes processing felony cases in the Municipal Court, presentation of motions to revoke probation, prosecution of all misdemeanor cases, assisting the Police Department in the preparation of arrest and search warrants, analyzing and approving defendants' motions for diversion from the criminal process, and holding complaint hearings prior to, or in lieu of, prosecution.

### Initiating Felony Prosecutions

Felony prosecutions in the Municipal Court are initiated either by issuance of an arrest warrant or by the filing of complaints following an evaluation of felony arrests made without a warrant.

These "no warrant" felony arrests are made by police officers after they observe acts or obtain information which provide them with reasonable and probable cause to believe that a felony has been committed.

After a "no warrant" arrest is made, the case is assigned to a detail of the Inspectors Bureau of the Police Department for investigation. The case is then evaluated in a conference by a representative of the Inspectors Bureau and an experienced Assistant District Attorney.

In order to properly evaluate and to insure a just and proper disposition of these cases, the reviewing Assistant District Attorney must possess a thorough knowledge of criminal and constitutional law. Because of the continuing changes in criminal law and procedure, it is imperative that all prosecuting attorneys remain abreast of these developments.

After the evaluation of the "no warrant" felony arrest, a decision is made to initiate a felony or misdemeanor prosecution or to discharge the arrested person. This decision must be made within two court days following the arrest. During the 1973-1974 fiscal year, the Municipal Court Division handled 14,942 "no warrant" felony arrest charges. This was a decrease of 774 charges from the 15,616 charges filed during the 1972-1973 fiscal year.

A total of 9,472 charges, 63% of all "no warrant" felony arrests, resulted in criminal prosecutions. Of these, 55% were felony and 13% were misdemeanor prosecutions.

# Introduction

## Background

The purpose of this study is to investigate the effects of the proposed system on the performance of the system. The system is designed to improve the performance of the system by reducing the time taken to process the data. The system is designed to be able to handle large amounts of data and to be able to process the data in a timely manner. The system is designed to be able to handle large amounts of data and to be able to process the data in a timely manner. The system is designed to be able to handle large amounts of data and to be able to process the data in a timely manner.

## Objectives

The objectives of this study are to determine the effects of the proposed system on the performance of the system. The objectives are to determine the effects of the proposed system on the performance of the system. The objectives are to determine the effects of the proposed system on the performance of the system. The objectives are to determine the effects of the proposed system on the performance of the system.

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Prosecutions in the remaining 5,470 charges, 37% of all the cases, were not filed because of insufficient evidence resulting from constitutional or factual limitations. The most common constitutional limitation was the exclusionary rule of evidence. Frequently encountered also was the inability of victims of crimes to identify arrested persons or property alleged to have been stolen. Additionally, many victims decline to prosecute family members or friends after an arrest has been made. In some cases further investigation exonerated the arrested person. In other situations another jurisdiction prosecuted the defendant and the local charges were dismissed when further prosecution would be meaningless.

In cases where the accused was found to be under 18 years he was certified to the juvenile court for delinquency determination. In other cases charges were dismissed in order to permit prosecution on another pending charge or because the defendant was already serving a prison term from another jurisdiction. Also when evidence is insufficient charges were dropped to establish the statutory elements of the crime, i.e., where laboratory analysis reveals the suspected contraband is not a prohibited substance. Lastly, cases may be dismissed pending further necessary investigation by the police department. These cases are reopened by issuance of an arrest warrant when the supplemental investigation is completed by the inspector assigned to the case.

During this fiscal year, 1,593 District Attorney complaint citations were issued. These are informal hearings conducted by an Assistant District Attorney and designed to obtain enforcement of various laws without the necessity of formal court proceedings. Emphasis is placed upon avoiding issuance of a warrant of arrest where voluntary compliance by the person against whom the complaint has been made fully satisfies the interest of justice. A shortage of staff attorneys has forced curtailment of this important service.





## Misdemeanor Jury Department

During the fiscal year 1973-1974, two municipal court departments processed all the non-traffic misdemeanor filings and arraignments, jury demands in traffic cases, pretrial conferences, pretrial motions, and motions to revoke probation. These same courts calendared and assigned cases to six other departments for jury trials.

The jury department is staffed by 12 lawyers, 4 of whom are assigned to the master calendar courts, the balance being available for trial assignments. A total of 267 cases proceeded to jury trial. These involved 300 defendants prosecuted on a total of 416 charges. 205 cases resulted in convictions; 160 in acquittals; and in 55 cases the jury disagreed.

The following list illustrates the general categories of charges, the number of trials in which it was the substantive issue, and the approximate ratio to the total number of trials presented during the fiscal year.

	<u>Number of Trials</u>	<u>Approx. %</u>
Driving/Influence of alcohol. . . . .	71	26
Breach of public peace. . . . .	2	1
Prostitution. . . . .	45	16
Theft/Fraud . . . . .	54	20
Assault/Battery . . . . .	53	20
Drug Offenses . . . . .	9	3
Weapons . . . . .	11	4
Sex . . . . .	6	2
Vehicle . . . . .	10	3
Manslaughter. . . . .	2	1
Miscellaneous . . . . .	5	1

In addition to those matters resolved by trials, the jury departments were responsible for closing a number of cases.

At the close of the fiscal year, 1,129 charges were pending in the misdemeanor departments.

In the Municipal Court, the District Attorney's Office handled a total of 75,765 charges (felony and misdemeanor) during the fiscal year. The following table illustrates the breakdown of the total:



### Total Charges Handled in Municipal Court

Final Disposition of Charges Prosecuted in the Municipal Courts (General and Jury Departments . . . .	23,211
Non-Parking (Moving) Traffic Violations in which District Attorney Assisted in Prosecuting in Court (Exclusive of Those Tabulated Above) . . . . .	19,356
Probation Revocation Hearings. . . . .	1,030
Preparation of Department #16 Complaints (Traffic) by District Attorney's Office. . . . .	2,008
Preparation of 647f Penal Code (Drunk) Complaints by District Attorney's Office. . . . .	13,991
Court Trials . . . . .	589
<b>TOTAL MISDEMEANOR CHARGES HANDLED. . .</b>	<b><u>60,185</u></b>
Motions to Suppress Evidence.....	638
Felony Arrest Charges. . . . .	14,942
<b>TOTAL CHARGES HANDLED IN MUNICIPAL COURT. . .</b>	<b><u>75,765</u></b>

### Misdemeanor Cases

During the 1973-1974 fiscal year, the municipal court departments which were assigned to hear criminal and traffic matters handled 57,717 charges based on violations of such laws, exclusive of parking violations. The following charts and text illustrate the categories and dispositions of these charges in the Municipal Court.

The general and jury departments of the Municipal Court handled 23,211 misdemeanor charges of which 9,223 charges resulted in conviction. There were 8,504 charges dismissed because the defendant pled guilty or was found guilty of another misdemeanor offense. Other dismissals were due to the failure of victims to identify defendants, victim's desire not to prosecute, victim's failure to respond to court when requested, victim's inability to identify stolen property, or re-evaluation of the charges by the Assistant District Attorney assigned to the case after further investigation or the receipt of additional evidence.

A total of 1,815 charges were placed "off calendar" prior





to final disposition because the defendants failed to appear or because the defendants were minors. In the former, bench warrants (BW) were issued and in the latter, the cases were certified to the Youth Guidance Center for filing of a petition in the Juvenile Court.

Prosecution was terminated or suspended in the case of drug-related charges which resulted in diversion of the defendants from the criminal process for a period of six months to two years for education and counseling at the direction of the Adult Probation Department. Some 252 persons were placed by court on diversion programs. Some 147 persons successfully completed the diversion program, and pursuant to the provisions of the Penal Code, their cases were dismissed by the court. At the end of the fiscal year, 29 persons had diversion hearings pending. Six persons failed to complete the diversion period; their cases were returned to calendar for prosecution.

Some misdemeanor cases were terminated or suspended because the defendant's mental condition required expert evaluation; others because they arose at the same time as a felony charge for which the defendant was being prosecuted. In such cases, the misdemeanor charge trailed, or followed, the prosecution of the felony charge.

#### Misdemeanor Dispositions

1. Total charges (general and jury departments . . . 23,211
2. Guilty or nolo contendere pleas . . . . . 9,223
3. No complaint filed. . . . . 4,678  
(Other charges were dropped where the cases on individual defendants were settled by the above dispositions.)

A total of 1,815 charges, or 7%, were taken off calendar. Thus, when the total number of charges, 23,211, is reduced by subtracting the off-calendar charges and those charges where no complaint was filed, the total number of charges prosecuted as misdemeanors is 16,718. If the number of charges resulting in guilty pleas is added to those dismissed upon plea to another charge, the number of charges successfully prosecuted is 15,589 or 67%.

The following chart illustrates the disposition of misdemeanor charges during the fiscal year:





# DISPOSITION OF MISDEMEANOR CHARGES

OFFENSES	Guilty and NoLo	No Complaint Filed	Dismissed for plea	other	Off Calendar	Total
DRUG OFFENSES	137	26	50	204	39	456
Marijuana	8	1	2	24	11	46
Dangerous drugs	398	287	120	371	75	1251
Other drug offenses	444	555	160	511	140	1810
ASSAULT AND BATTERY	399	63	83	194	55	794
WEAPONS	193	52	8	102	4	359
GAMBLING	331	252	209	748	63	1603
RESISTING ARREST	1261	626	491	591	354	3323
PETTY THEFT	40	19	13	53	13	128
LEWD AND OBSCENE	810	860	190	635	220	2715
PROSTITUTION	448	170	57	192	32	896
DISTURBING THE PEACE	569	247	116	402	72	1406
INTOXICATING LIQUOR						
MINORS	69	41	15	44	16	185
(Support, cruelty, delinquency)						
VEHICLE	459	2	89	109	55	714
intoxicating liquor	106	13	23	47	26	215
auto tampering	45	2	11	31	19	108
suspended or reissued license	189	2	10	25	11	237
reckless driving	56	0	7	63	10	136
hit and run property damage	66	0	25	107	17	215
unsafe speed for conditions	8	0	9	38	6	61
open container/drinking in auto						
other traffic misdemeanors	177	12	95	481	71	836
OTHER MISDEMEANORS	3010	1448	355	1394	507	6714
TOTAL	9223	4678	2138	6366	1815	23211
PERCENTAGE	39%	19%	8%	27%	7%	100%

Sl. No.	Topic	Page	Date	Time	Remarks
1	Introduction to the subject	1	10/10/20	10:00 AM	Good
2	History of the subject	2	11/10/20	10:00 AM	Good
3	Scope of the subject	3	12/10/20	10:00 AM	Good
4	Importance of the subject	4	13/10/20	10:00 AM	Good
5	Objectives of the subject	5	14/10/20	10:00 AM	Good
6	Methods of study	6	15/10/20	10:00 AM	Good
7	Resources	7	16/10/20	10:00 AM	Good
8	Assessment	8	17/10/20	10:00 AM	Good
9	Conclusion	9	18/10/20	10:00 AM	Good
10	Summary	10	19/10/20	10:00 AM	Good
11	References	11	20/10/20	10:00 AM	Good
12	Appendix	12	21/10/20	10:00 AM	Good
13	Glossary	13	22/10/20	10:00 AM	Good
14	Index	14	23/10/20	10:00 AM	Good
15	Conclusion	15	24/10/20	10:00 AM	Good
16	Summary	16	25/10/20	10:00 AM	Good
17	References	17	26/10/20	10:00 AM	Good
18	Appendix	18	27/10/20	10:00 AM	Good
19	Glossary	19	28/10/20	10:00 AM	Good
20	Index	20	29/10/20	10:00 AM	Good
21	Conclusion	21	30/10/20	10:00 AM	Good
22	Summary	22	31/10/20	10:00 AM	Good
23	References	23	01/11/20	10:00 AM	Good
24	Appendix	24	02/11/20	10:00 AM	Good
25	Glossary	25	03/11/20	10:00 AM	Good
26	Index	26	04/11/20	10:00 AM	Good
27	Conclusion	27	05/11/20	10:00 AM	Good
28	Summary	28	06/11/20	10:00 AM	Good
29	References	29	07/11/20	10:00 AM	Good
30	Appendix	30	08/11/20	10:00 AM	Good
31	Glossary	31	09/11/20	10:00 AM	Good
32	Index	32	10/11/20	10:00 AM	Good
33	Conclusion	33	11/11/20	10:00 AM	Good
34	Summary	34	12/11/20	10:00 AM	Good
35	References	35	13/11/20	10:00 AM	Good
36	Appendix	36	14/11/20	10:00 AM	Good
37	Glossary	37	15/11/20	10:00 AM	Good
38	Index	38	16/11/20	10:00 AM	Good
39	Conclusion	39	17/11/20	10:00 AM	Good
40	Summary	40	18/11/20	10:00 AM	Good
41	References	41	19/11/20	10:00 AM	Good
42	Appendix	42	20/11/20	10:00 AM	Good
43	Glossary	43	21/11/20	10:00 AM	Good
44	Index	44	22/11/20	10:00 AM	Good
45	Conclusion	45	23/11/20	10:00 AM	Good
46	Summary	46	24/11/20	10:00 AM	Good
47	References	47	25/11/20	10:00 AM	Good
48	Appendix	48	26/11/20	10:00 AM	Good
49	Glossary	49	27/11/20	10:00 AM	Good
50	Index	50	28/11/20	10:00 AM	Good
51	Conclusion	51	29/11/20	10:00 AM	Good
52	Summary	52	30/11/20	10:00 AM	Good
53	References	53	01/12/20	10:00 AM	Good
54	Appendix	54	02/12/20	10:00 AM	Good
55	Glossary	55	03/12/20	10:00 AM	Good
56	Index	56	04/12/20	10:00 AM	Good
57	Conclusion	57	05/12/20	10:00 AM	Good
58	Summary	58	06/12/20	10:00 AM	Good
59	References	59	07/12/20	10:00 AM	Good
60	Appendix	60	08/12/20	10:00 AM	Good
61	Glossary	61	09/12/20	10:00 AM	Good
62	Index	62	10/12/20	10:00 AM	Good
63	Conclusion	63	11/12/20	10:00 AM	Good
64	Summary	64	12/12/20	10:00 AM	Good
65	References	65	13/12/20	10:00 AM	Good
66	Appendix	66	14/12/20	10:00 AM	Good
67	Glossary	67	15/12/20	10:00 AM	Good
68	Index	68	16/12/20	10:00 AM	Good
69	Conclusion	69	17/12/20	10:00 AM	Good
70	Summary	70	18/12/20	10:00 AM	Good
71	References	71	19/12/20	10:00 AM	Good
72	Appendix	72	20/12/20	10:00 AM	Good
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75	Conclusion	75	23/12/20	10:00 AM	Good
76	Summary	76	24/12/20	10:00 AM	Good
77	References	77	25/12/20	10:00 AM	Good
78	Appendix	78	26/12/20	10:00 AM	Good
79	Glossary	79	27/12/20	10:00 AM	Good
80	Index	80	28/12/20	10:00 AM	Good
81	Conclusion	81	29/12/20	10:00 AM	Good
82	Summary	82	30/12/20	10:00 AM	Good
83	References	83	31/12/20	10:00 AM	Good
84	Appendix	84	01/01/21	10:00 AM	Good
85	Glossary	85	02/01/21	10:00 AM	Good
86	Index	86	03/01/21	10:00 AM	Good
87	Conclusion	87	04/01/21	10:00 AM	Good
88	Summary	88	05/01/21	10:00 AM	Good
89	References	89	06/01/21	10:00 AM	Good
90	Appendix	90	07/01/21	10:00 AM	Good
91	Glossary	91	08/01/21	10:00 AM	Good
92	Index	92	09/01/21	10:00 AM	Good
93	Conclusion	93	10/01/21	10:00 AM	Good
94	Summary	94	11/01/21	10:00 AM	Good
95	References	95	12/01/21	10:00 AM	Good
96	Appendix	96	13/01/21	10:00 AM	Good
97	Glossary	97	14/01/21	10:00 AM	Good
98	Index	98	15/01/21	10:00 AM	Good
99	Conclusion	99	16/01/21	10:00 AM	Good
100	Summary	100	17/01/21	10:00 AM	Good

## Felony Cases in Municipal Court

After the filing of a felony complaint or the issuance of a felony arrest warrant and subsequent arrest, and after the defendant is arraigned, a case is set for preliminary hearing before a Department of the Municipal Court. At that hearing the magistrate determines from the evidence whether there is reasonable and probable cause to require the defendant to stand trial in the Superior Court.

During this fiscal year three Municipal Court departments conducted preliminary hearings; one additional department conducted such hearings two days a week. An Assistant District Attorney was assigned to each of these courts.

A total of 14,942 felony charges, involving 9,266 defendants, were set for preliminary hearings in the general courts. During the preliminary hearing the prosecution has the burden of establishing that a crime has been committed and that there are reasonable grounds for believing that the defendant committed the crime.

During this fiscal year, 40% of the felony cases were held to answer by the Municipal Court magistrate and sent to the Superior Court for trial; 2% were indicted by the Grand Jury; 4% pled guilty to misdemeanor charges; 32% were discharged when co-defendants pled guilty; 18% were discharged; and 4% were subject to other procedures, such as certification to the Superior Court, for determination of the defendant's mental competency to stand trial, certification of juvenile defendants to Youth Guidance Center, and issuance of bench warrant for the arrest of defendants who failed to appear at court proceedings.

The following table reflects the types and dispositions of felony cases handled in the Municipal Court:





NO WARRANT FELONY ARREST CHARGES

JULY 1973 - JUNE 1974

<u>OFFENSE</u>	<u>FELONY PROSECUTION</u>	<u>DISCHARGED</u>	<u>REBOOKED AS OTHER FELONY</u>	<u>MISDEMEANOR PROSECUTION</u>	<u>TOTAL</u>
DRUGS: OPIATE	1277	811	29	20	2137
MARIJUANA	1177	542	19	307	2045
DANGEROUS DRUGS	401	325	13	36	775
OTHER DRUG OFFENSES	30	56	3	4	93
HOMICIDE	65	12	1	--	78
VEHICULAR MANSLAUGHTER	8	--	--	2	10
DRIVING OFFENSES	51	4	--	37	92
DEADLY WEAPONS	204	119	1	69	393
RAPE	54	98	2	2	156
OTHER SEX OFFENSES	168	71	--	4	243
CONSPIRACY	35	197	2	4	238
BOOKMAKING	63	20	--	1	84
CHECK AND FORGERY	397	164	11	43	615
THEFT	270	161	17	82	530
AUTO THEFT	270	262	2	67	601
ASSAULT	649	506	12	574	1741
BURGLARY	883	283	16	190	1372
RECEIVING STOLEN PROPERTY	493	1144	29	163	1829
ROBBERY	490	338	8	23	859
OTHER FELONIES	320	357	63	211	1051
TOTAL	7304	5470	228	1939	14,942
PERCENT	49	36.5	1.5	13	100%





### Other Functions

The Municipal Court Division has voluminous communications with the general public and other agencies which do not result in criminal litigation. Many persons with civil and criminal problems are referred to this office by the police department and other public and private agencies. Every effort is made to direct the inquiring party to the proper agency if his case is not within the geographical or statutory jurisdiction of this office.

There are, of course, numerous inquiries by telephone call which require the legal opinion of an Assistant District Attorney. Telephone inquiries are also directed to the proper agency for resolutions of problems which this office cannot handle.

Considerable investigation by the Assistant District Attorney issuing arrest and search warrants precedes the filing of the specific factual declarations which are required by law. All search and arrest warrants are prepared or reviewed by an Assistant District Attorney who must remain abreast of changes in the relevant case law.

During the fiscal years, 1,051 arrest warrants and 191 search warrants were prepared and issued.

The following items were received for information and action:  
1. The Bureau of the Federal Reserve Bank of New York  
has advised that the Federal Reserve Bank of New York  
has received from the Federal Reserve Bank of New York  
a report of the Federal Reserve Bank of New York  
regarding the Federal Reserve Bank of New York  
and the Federal Reserve Bank of New York.  
2. The Bureau of the Federal Reserve Bank of New York  
has received from the Federal Reserve Bank of New York  
a report of the Federal Reserve Bank of New York  
regarding the Federal Reserve Bank of New York  
and the Federal Reserve Bank of New York.  
3. The Bureau of the Federal Reserve Bank of New York  
has received from the Federal Reserve Bank of New York  
a report of the Federal Reserve Bank of New York  
regarding the Federal Reserve Bank of New York  
and the Federal Reserve Bank of New York.

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has received from the Federal Reserve Bank of New York  
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regarding the Federal Reserve Bank of New York  
and the Federal Reserve Bank of New York.

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and the Federal Reserve Bank of New York.

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a report of the Federal Reserve Bank of New York  
regarding the Federal Reserve Bank of New York  
and the Federal Reserve Bank of New York.

### Appellate Division

The Appellate Division of the District Attorney's Office handles appeals from Municipal Court misdemeanor convictions, motions to suppress and demurrers. Such appeals are taken to the Appellate Department of the Superior Court and are filed either by the defendant or the People. The Assistant District Attorney in this division prepares and files motions, affidavits, briefs, and other pleadings relating to such appeals. Each Friday morning he argues the People's case before the three-judge Appellate Court.

The lawyer assigned to appeals also appears in Municipal Court to represent the People in connection with demurrers and various pretrial motions. There were approximately 663 such matters during this past fiscal year.

The appeals attorney also prepares briefs and appears for oral argument in response to petitions for extraordinary writs in both the Superior Court and the United States District Court for the Northern District of California.

Four appeals from judges' orders were filed by the People. One of these appeals was later abandoned, two resulted in rulings favorable to the People and one is still pending.

During the same fiscal period a total of 206 from convictions were filed by defendants. The results of those appeals and the appeals pending from the prior fiscal period are as follows:

1. Conviction Affirmed . . . . .	31
2. Conviction Reversed . . . . .	3
3. Appeals Dismissed on Motion of District Attorney for Failure of Defendant to prosecute with due Diligence . . . . .	134
4. Appeals Abandoned by Appellant . . . . .	6
5. Trial de Novo Ordered by Court . . . . .	4
6. Appeals Pending . . . . .	37
TOTAL	215

The total number of appeals indicated above includes nine appeals handled this fiscal year which were filed in the preceding fiscal year.





## Superior Court Division

The Superior Court division consists of twenty-one attorneys whose primary concern is the court prosecution of felony criminal cases.

Superior Court attorneys are also engaged in reviewing the investigations of law enforcement officers and the evaluation of these felony cases set for trial. Increased specialized prosecution has recently been emphasized to increase the effectiveness of criminal investigation and trials involving homicide, sexual assault, narcotic violation and vice control.

The Superior Court Master Calendar Department is staffed by three assistant district attorneys who evaluate cases, negotiate dispositions by pleas of guilty, prepare and present replies to pretrial motions and assign cases for trial to the trial departments of the Superior Court.

All members of the District Attorney's staff in the Superior Court participate and represent the People in ancillary proceedings in the Master Calendar Department. These proceedings include:

1. hearings on certifications for the determination of present sanity of an accused;
2. hearings on petitions for writs of habeas corpus and writs of mandate;
3. hearings on petitions for commitments of defendants as mentally disordered sex offenders;
4. hearings on petitions to determine whether or not a defendant is addicted to the use of narcotics;
5. hearings on motions to revoke or modify probation.

Evidentiary hearings on motions to suppress evidence are regularly heard and argued every morning of the week in trial court departments prior to the commencement of jury trials.

Fiscal year 1973-1974 dispositions are as follows:

### New Case Filings: (By number of defendants)

- |                   |       |
|-------------------|-------|
| 1. By Information | 2,154 |
| 2. By Indictment  | 79    |





Dispositions: (By number of defendants and including cases carried over from last year.)

- |   |           |       |
|---|-----------|-------|
| 1. Guilty Pleas   |           | 1,915 |
| 2. Court Trials   |           | 17    |
| a. Convictions  | 17        |       |
| b. Acquittals   | 0         |       |
| 3. Jury Trials  |           | 165   |
| a. Convictions  | 111 (84%) |       |
| b. Acquittals   | 21 (16%)  |       |
| 4. Jury Disagreement  | 33        |       |
| (Jury disagreements are reflected in guilty pleas and dismissals as a result of subsequent evaluation on both sides.) |           |       |
| 5. Other Dispositions   |           |       |
| a. Dismissal  | 239       |       |
| (E.g., insufficient evidence; interest-of-justice; defendant deceased.)   |           |       |
| b. Referral to  | 238       |       |
| non-criminal  |           |       |
| jurisdiction  |           |       |
| (E.g., juvenile court, insanity, and/or sexual psychopath commitments.)   |           |       |

RECAPITULATION:

Total Defendants . . . . . 2,541

Guilty	2,043 (81%)
Not Guilty	21 ( 1%)
Dismissed	239 ( 9%)
Referred	238 ( 9%)

(Disagreements omitted.)

Total: 100%

In the spring of 1974, two major criminal trials were prosecuted by this office in other counties in California. This resulted from motions for change of venue filed by the defendants. Attorneys from this office successfully prosecuted a two-week homicide trial in Sacramento County and a three-week kidnap-rape trial in San Bernardino County.



## Juvenile Division

The District Attorney, when requested by the Judge of the Juvenile Court, is required by statute to ascertain and present the evidence in court trials of minors in Juvenile Court. These are cases where minors are either alleged to have committed acts which would constitute crimes if committed by adults, or a minor has been neglected or abused in a manner which may result in criminal charges against parents, guardians or other adults.

From July 1, 1973 to March 4, 1974, one assistant district attorney was assigned by this office to the Juvenile Court. During this period the attorney assigned evaluated prospective cases as requested by the court and presented evidence in 78 contested matters.

Beginning March 4, 1974 three assistant district attorneys were assigned to the Juvenile Court Division of the District Attorney's Office. Their initial function is to decide in each potential charge of a violation of section 602 of the Welfare and Institutions Code (a criminal violation by a juvenile) whether there exists sufficient evidence to sustain such a petition beyond a reasonable doubt and to a moral certainty, and if so, to accept the more important felony cases for presentation to the courts.

The number of criminal type cases accepted depends upon the limits of manpower and court time available. During the months of March through June 1974, the Juvenile Division accepted for presentation in the Juvenile Courts 305 felony cases, and carried to final disposition 353 such cases.

The most serious cases are those involving homicides and grievous assaults by youthful gangs, robberies, assaults with deadly weapons, rapes, and other serious offenses by juveniles.







## Vice Control

The program formulated in September 1971 to better coordinate all vice enforcement activities between the San Francisco Police Department and the District Attorney's Office was continued through fiscal year 1973-1974. In addition to perfecting systems which had previously been developed with reference to the prosecution of vice related cases, special attention was given to the following:

1. Prosecution of known and suspected pimps and panderers;
2. Development of a profile in order to determine what persons were most apt to engage in vice related activities, and what procedures were available to minimize the incidence of vice related offenses;
3. Education of citizens to the problems involved in such prosecutions and of the effects of vice in a community.

### Prosecution of known and Suspected Pimps

Since September 1971 the processing of all cases involving suspected or known pimps or panderers have been handled by a single assistant district attorney assigned to vice control. This procedure has resulted in a more expeditious and equal disposition of cases involving such persons. In fiscal year 1973-1974, 34 pimps were convicted in the Superior Court. This represents almost a 50% decrease in the number of such cases prosecuted since last year. Two cases were dismissed because a witness for the prosecution in each case was unavailable. There are now 2 cases awaiting trial in the Superior Court, and 5 cases awaiting preliminary hearing. Felony warrants are outstanding for 6 persons. One of these is also charged in a federal Unlawful Flight warrant. The total number of persons convicted for pimping or pandering since the inception of the vice control plan is 145.

### Development of the Profile

In order to effectively prosecute persons for vice related activity, it is essential that the prosecutor and the police officer know the character and background of the individual who engages in such conduct. This knowledge facilitates prosecution and provides an insight into how such activity arises and what conditions permit vice to grow. This information has been invaluable in permitting law enforcement to anticipate in what areas to expect vice activity.

Other on-going programs relating to use of the Red Light Abatement Act and the training of district attorney and law enforcement personnel were continued.



## Business Investigation - Consumer Protection Service

This past fiscal year has been the first full year of operation of the Business Investigation - Consumer Protection Service. The unit's primary function now is consumer protection although it continues to assist in the field of business investigation.

### Consumer Protection

During the past fiscal year, consumer protection enforcement has grown steadily. 1,024 new complaints were received. During the same period 855 matters were resolved which resulted in consumers receiving goods, services or money valued at approximately \$21,000.00. Investigation of most of these matters is initiated by citizen complaints and various private and governmental agencies. Each business or individual complained against is contacted in person or by letter in an attempt to resolve the matter. In some cases a hearing is held at the Office of the District Attorney and all interested parties are invited to appear.

If the matter cannot be resolved a civil or criminal action may be instituted depending upon the facts of each case. Criminal prosecution may result in the convicted person being sent to jail, fined, or both. In addition the court may order restitution to the victims. Civil actions involve the filing of a civil complaint and the obtaining of a temporary restraining order or a preliminary injunction and ultimately a permanent injunction. These proceedings result not only in stopping illegal practices but also in obtaining \$2,500.00 penalty for each violation.

During the past year 19 injunctive actions were initiated. 9 judgments totaling \$47,133.67 were obtained. At present there are 17 civil actions awaiting trial.

Following is a resume of some of the civil actions resolved during the past year:

#### People vs. Wilson's House of Suede and Leather

This was a civil action alleging false advertising in which the defendant paid a penalty of \$25,000.00 and was enjoined from continuing its unlawful business practices.

#### People vs. Jefco

This case involved a charge of unfair business competition in which defendant agreed to discontinue the illegal activity and pay \$2,500.00 in civil penalties.





### People vs. Fancy Pants and The Boot Hook, Corp.

These two cases involved acts of unfair business competition by the defendants violating the Endangered Species Act. Each defendant agreed to discontinue violating the law and paid penalties totaling \$3,151.50.

### People vs. Union Square Portrait Studio

A judgment was obtained awarding \$10,982.17 in civil penalties, restitution to the victims and costs, against the defendant for various acts of false and misleading advertisement.

This unit has also prosecuted consumer complaints which have resulted in criminal prosecution. These cases involved charges such as contracting without a license; violation of the auto repair act; health code violations and other related criminal activities. In two such cases, People vs. Bertolina and People vs. Ellingsen, the defendants were found guilty of maintaining unsanitary premises where food is dispensed and paid fines totaling \$700.00. In the case of People vs. Weingarten, the defendant, an automotive repair dealer, was found guilty of false and misleading representations and sentenced to jail and ordered to pay a fine of \$1,000.00.

### Business Investigation

During the past fiscal year this section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, and other related criminal activities.

Investigations are initiated by complaints from citizens and from federal, state, and city and county agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the Office of the District Attorney, at which time all interested parties are invited to appear. If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the facts of each case.





## Grand Jury

One important function of the District Attorney is to act as legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and cases are presented each Monday evening. When indictments are voted, they are formally presented to the presiding judge of the Superior Court on the following Thursday morning.

During the fiscal year 1973-1974, 289 witnesses were called to testify before the Grand Jury. A total of 52 indictments were returned involving 79 defendants, with a total of 268 charges.

A review of the calendar year 1973 indicates the following:

Number of indictments filed in 1973 . . . . .	47
Number of defendants indicted in 1973 . . . . .	75
Number of defendants with final dispositions . . . . .	72
Guilty . . . . .	56
Not guilty . . . . .	6
Deceased . . . . .	1
Dismissed (plea to other felony, 995 P.C., etc.) . . . . .	6
State hospital (insane) . . . . .	3
Fugitives . . . . .	3

From the above figures, it is apparent that of the 62 defendants whose cases were finally disposed of by guilty pleas or trial, 90.3% were convicted.

In 1973, the term of the Grand Jury was changed by the Legislature to begin and end on a fiscal rather than calendar year basis. In view of this change, the Grand Jury agreed to serve the additional six months until the new Grand Jury was selected.



## Bureau of Family Relations

The BFR investigates complaints of an alleged criminal nature arising between members of a family or quasi-family.

Four staff members investigate these complaints which include every type of domestic difficulty.

Alternative actions to resolution of these domestic complaints are explored prior to the issuance of any arrest warrant. District Attorney complaint hearing notices are issued and informal hearings are conducted to determine the facts regarding the alleged crime. The sanctions of the law are defined to both the complainant and defendant. In most cases the complaint hearing resolves the matter to the satisfaction of all concerned persons. The need for filing formal criminal charges is usually avoided, saving time and expense of lawyers and courts.

Bureau staff personnel are sensitive to the various needs of our clientele. Investigators often refer persons requiring other services such as legal help or family counseling to local agencies like the Neighborhood Legal Assistance Foundation and the Family Service Agency.

The Bureau enforces Section 270 of the California Penal Code (failure to provide for a dependent minor) in behalf of self-supporting complainants whose children do not qualify for aid by public welfare. Every effort is made to secure voluntary contributions for support. During the past year greater emphasis in support by delinquent fathers was achieved by establishment of a caseload system. Of the total 692 non-support complaints handled by the Bureau, only 34 cases required the filing of formal charges with issuance of arrest warrants. A total of 19 defendants were placed under probation supervision as a result of successful prosecution in the criminal courts this past year. The Bureau made 83 voluntary referrals to the Adult Probation Department under Section 580(d) of the California Welfare and Institutions Code. This was almost double the previous year's total. In most cases the investigator was able to secure the cooperation of the estranged parent to meet his responsibility for contributing to his child's support.

Much time and effort is exerted in locating persons whose current whereabouts may be unknown to the complainant. The Bureau uses many sources of information for this purpose. This requires correspondence with public agencies such as the California Department of Human Resources and the California Bureau of Criminal Identification and Investigation, and with unions, employers, attorneys, and private individuals.







The BFR initiates investigations involving the Uniform Reciprocal Enforcement of Support Act (URESA) seeking child support from parents residing in jurisdictions outside of San Francisco. The Bureau made 49 such investigations for URESA processing during the past year.

Bureau investigators held over 3,000 complaint interviews during the past fiscal year. These resulted in the issuance of 1,125 complaint hearing notices and approximately 1,272 referrals to other agencies. Investigators conducted 564 complaint hearings. Over 5,000 telephone inquiries regarding case status, specific complaints, and general information were handled by Bureau staff.

The following is a summary of complaints by classification processed this past year:

<u>Classification</u>	<u>Cases</u>
242 Penal Code (Battery)	790
270 Penal Code (Non-Support of Minor Children)	692
270 (a) Penal Code (Non-Support of Indigent Wife)	10
273 (d) Penal Code (Felony Wife Beating)	8
279 Penal Code (Denial of Visiting Rights)	100
415 Penal Code (Disturbing the Peace)	286
594 Penal Code (Malicious Mischief)	142
653 (m) (Annoying Telephone Communications)	161
Domestic Difficulties (Non-Criminal)	627
Drinking	259
Narcotics	51
Mental Illness	95
Threats	430
Unwed Mothers (Establishment of Paternity)	47
Miscellaneous	376
TOTAL:	<u>4,074</u>

During the past year a number of programs were initiated for purposes of operational efficiency. One program involved the reduction of the number of outstanding arrest warrants for violation of 270 Penal Code by intensified service of such warrants. At this time only eight warrants are outstanding, and all are from the current year. A system for feedback from the San Francisco Police Department was instituted to assure processing of these warrants.



## Uniform Reciprocal Enforcement of Support Division

The primary function of this division is to secure child support under the provisions of the Uniform Reciprocal Enforcement of Support Act from fathers who live in a state or county other than that in which their children reside. Activities during the fiscal year are summarized as follows:

Cases initiated for local children . . . .	78
Average number of such cases per month . .	6.50
Cases initiated for children of other jurisdictions . . . . .	303
Average number of such cases per month . .	25.25
Total reciprocal support cases processed .	381
Average of new reciprocal support cases per month . . . . .	31.75
Contempt citations initiated for payment delinquencies . . . . .	57
Changes of venue from San Francisco to other jurisdictions . . . . .	51
Changes of venue to San Francisco from other jurisdictions . . . . .	7

The results of local court proceedings in the above-listed cases can be summarized as follows:

Support orders . . . . .	159
Support order modifications . . . . .	51
Interim orders re contempt . . . . .	45
Wage assignments . . . . .	53
Warrants of attachment for contempt . . .	70
Miscellaneous other orders . . . . .	<u>17</u>
Total orders secured for other jurisdictions . . . . .	<u>395</u>
Support orders obtained by other jurisdictions for local children at our request . . . . .	54





The district attorney was directed by the San Francisco Superior Court to conduct civil contempt proceedings against certain persons who were under a court order to pay child support through the San Francisco Adult Probation Department and failed to do so. Ninety-nine such cases were referred to the district attorney by the adult probation officer. Court proceedings resulted in fifty-five support order modifications and thirty-seven wage assignments. Sixteen warrants of attachment were issued calling for the apprehension of men who failed to appear before the court.

Civil paternity prosecutions against the alleged fathers of children dependent on welfare constitute another part of the division's work. The statistics regarding cases of this type are as follows:

Summonses and complaints served . . . . .	17
Defaults entered . . . . .	13
Child support orders issued . . . . .	11
Mother of child refused to cooperate further in the case . . . . .	15
Mother and child left San Francisco . . . . .	4

The child support orders which were secured in civil paternity cases called for payments to San Francisco by fathers of illegitimate children in the amount of \$14,443.20 per year.

Twenty-five civil judgments were also secured by the division against surety companies which had issued bail bonds guaranteeing the appearance in court of criminal defendants who then failed to appear. Collections on these judgments, and on others previously secured, may be summarized as follows:

Total collected on judgments . . . . .	\$139,725
Total interest collected . . . . .	9,599
Total	<u>\$149,324</u>
Judgments not yet collected on 7-1-74:	
On appeal by surety companies . . . . .	\$ 8,500
Surety company in liquidation . . . . .	51,625
Collections in normal process . . . . .	38,500
Total	<u>\$ 98,625</u>





## Extradition Division

Extradition is defined as the surrender by one state or nation to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him, demands his surrender. Rendition is the return of such individual to such demanding state or nation.

With the increasing mobility of society it is inevitable that this phase of criminal law is expanding both as to numbers of cases and distances involved in the return of prisoners.

When a person is arrested in another jurisdiction on the request of a demanding state he may request a formal hearing before the Chief of State of the arresting jurisdiction before he is returned. In many cases, however, after arrest the accused does not make such a demand but waives formal extradition proceedings and returns voluntarily to the demanding jurisdiction.

If a formal extradition is requested, documents consisting of witnesses' statements, pictures of the defendant and other relevant evidence must be forwarded to the office of the governor of California who in turn forwards a request to the holding state with a request that that Chief of State, another Governor or foreign head of state, issue a warrant for the arrest and rendition of the accused to the State of California.

During the past year this office processed six formal extradition requests, approved and arranged for return of prisoners on approximately twenty-five waivers of extradition and consulted with many local police officers on the status of fugitives who are being sought by the Federal Bureau of Investigation following the filing of a complaint in Federal District Court by the United States Attorney for violation of the federal laws for Unlawful Flight to Avoid Prosecution.



## Bureau of Investigation

The current organization of the San Francisco District Attorney's Investigation Bureau consists of a Chief Investigator, a Senior investigator and eleven investigators. Three investigators are assigned to Business Investigation and Consumer Protection, four to the Aid to Families with Dependent Children section, one to Uniform Reciprocal Enforcement of Support section, and three to the Criminal Division.

### Criminal Division

The main function of the investigator is to gather facts by conducting field investigations, finding witnesses and serving subpoenas in preparation for court.

The investigators take statements of witnesses, testify in court as necessary, assist the Assistant District Attorney during the course of a trial and do research and reports on Prisoners' Demands for Speedy Trial and Certificates of Rehabilitation and Pardon.

### Casework Statistics

July 1, 1973 - June 30, 1974

1.	Investigations in Pending Criminal Prosecutions.	2,052
2.	Subpoenas of Witnesses . . . . .	488
3.	Reciprocal Support Enforcement (Service of Process) . . . . .	350
4.	Demands for Speedy Trial (Made by Persons in Custody for Other Offenses) . . . . .	336
5.	Rehabilitation and Pardons (Applications Forwarded to Office of the Governor) . . . . .	25





## Psychiatric Division

The primary functions of this Division are:

- A. Investigation of alleged mentally disordered and intemperate persons, and those addicted to narcotics and habit-forming drugs;
- B. To represent the City and County as designated in section 5114 of the Welfare and Institutions Code; (Judicial Commitment of Mentally Disordered Person)
- C. To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism and drug addiction.

Complaints concerning mental illness or deficiency, alcoholism and drug and narcotic addiction are investigated by a psychologist on the staff of this office. Where reasonable and probable cause exists and no relative or other interested parties are located or willing to assume responsibility this office takes appropriate action under the Penal or the Welfare and Institutions Code.

Section 5114 of the California Welfare and Institutions Code concerning mental illness specifically assigns the responsibility of presenting the People's case at any judicial proceeding under that code to the District Attorney. A member of the legal staff has been assigned to these duties which include jury trials, writs of habeas corpus and conservatorship hearings concerning the alleged mentally ill person.

### Statistics

Jury trials . . . . .	2
Found mentally ill . . . . .	1
Accepted voluntary hospitalization . . .	1
Writs, habeas corpus . . . . .	11
Denied . . . . .	8
Granted . . . . .	1
Withdrawn . . . . .	2
Investigations . . . . .	241
Mental illness . . . . .	151
Narcotics & drugs . . . . .	46
Intemperance . . . . .	44

The Psychiatric Division conducted numerous investigations which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings.



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ANNUAL REPORT TO MAYOR

Submitted by

-SF

JOHN JAY FERDON, DISTRICT ATTORNEY

July 1, 1974 - June 30, 1975

DOCUMENTS

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APPENDIX

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## SUPERIOR COURT DIVISION

The main function of the Superior Court Division is the prosecution of felony cases. This division consists of twenty-one attorneys, three of whom are necessarily assigned on a full-time basis to the Master Calendar Department.

All criminal matters filed in the Superior Court are processed through the Master Calendar Department, which was established in November 1969. This system has proved to be an efficient and expeditious method of calendar management. At the time the master calendar system was instituted, there were 788 felony cases awaiting trial. Through the use of additional trial courts and diligent efforts of this office, the Superior Court, and the Public Defender's Office, this backlog of cases was eliminated.

For the past several years the calendar has been current, with new case filings and case dispositions being approximately equal. Most defendants are now pleading guilty or being brought to trial within thirty to forty days of their first appearance in Superior Court. This rapid processing of cases and consequent rapid sentencing has resulted in the removal of dangerous criminals from the streets at the earliest possible time, thus preventing them from committing additional offenses while on bail.

The attorneys assigned to the Master Calendar Department evaluate cases and assign them for trial; they prepare and present replies to pretrial motions; and participate in pretrial settlement conferences when the trial attorney assigned to a case is not available.

In addition to the attorneys regularly assigned to the master calendar, all members of the District Attorney's staff in the Superior Court participate and represent the People in ancillary proceedings in that department. These proceedings include:

1. Hearings on certifications for the determination of present sanity of an accused;
2. Hearings on petitions for writs of habeas corpus and writs of mandate;
3. Hearings on petitions for commitments of defendants as mentally disordered sex offenders;
4. Hearings on petitions to determine whether or not a defendant is addicted to the use of narcotics;
5. Hearings on motions to revoke or modify probation.



Supplementing the Master Calendar Department, the Criminal Division of the Superior Court utilized six trial departments on a year-round basis for the conduct of jury trials. Evidentiary hearings on motions to suppress evidence are regularly heard and argued every morning in trial court departments prior to the commencement of jury trials.

During the past year, continued emphasis has been placed on the vigorous and successful prosecution of crimes of violence. To achieve this purpose, special prosecution units have been utilized to increase the effectiveness of investigation, preparation and trial in cases involving homicide, sexual assault, arson and robbery.

The specialized prosecution concept has also been used to increase effective prosecution in other areas which require a high degree of legal expertise, such as consumer protection and business fraud, election campaign and conflict of interest, vice and narcotics.

For the year 1973, the last year that statistics for this county are available from the Bureau of Criminal Statistics, San Francisco committed 699 defendants out of a total of 2119 convicted defendants to state institutions. There were 328 defendants, or 15.4%, sentenced and committed to state prison. This is in comparison to the last published statewide statistics which show that only 11.6% of all persons convicted of felonies were committed to state prison in the year 1972. Furthermore, 90.4% of all felony convictions in San Francisco (1973) resulted in felony sentences being imposed by our courts, as compared to a statewide average of 67.4% (1972).

A total of 1525 informations involving 1829 defendants were filed, together with 73 indictments involving 101 defendants during the year 1974-1975. An additional 416 cases were filed involving writs of habeas corpus, petitions for narcotic offender commitment, municipal court guilty pleas, and other related matters.

The dispositions of these cases are as follows:

(By number of defendants and including cases carried over from last year)

1. Guilty Pleas	1724
2. Jury Trials	191
a. Convictions	147 (77%)
b. Acquittals	23 (12%)
c. Jury Disagreements	21 (11%)







(Jury disagreements are also reflected in guilty pleas and dismissals as a result of subsequent evaluation on both sides.)

3. Court Trials	11
a. Convictions	11
b. Acquittals	0

4. Other Dispositions	
a. Dismissal	203

(E.g., insufficient evidence; interest-of-justice; defendant deceased, guilty plea to other charges.)

b. Referral to non-criminal jurisdiction and fugitives	238
--	-----

(E.g., juvenile court, insanity, and/or sexual psychopath commitments.)

Recapitulation:

Total Defendants	<u>2,346</u>
------------------	--------------

Guilty	1,882 (80%)
Not Guilty	23 (1%)
Dismissed	203 (9%)
Referred	238 (10%)
(Disagreements omitted)	



## GRAND JURY

In accordance with the law enacted in 1972 (Penal Code Section 904.6), two Grand Juries were selected during this fiscal year. The first Grand Jury began its term in July, 1974, hearing criminal cases as well as conducting authorized civil investigations. On March 20, 1975, a second Grand Jury was impanelled with sole jurisdiction to return criminal indictments. After this date, no criminal cases were presented to the first Grand Jury, which was now known as the Investigatory Grand Jury and was solely concerned with civil investigations.

During the calendar year 1974, 316 witnesses testified before the Grand Jury. A total of 56 indictments were returned involving 90 defendants, 81 of these defendants have final dispositions as follows:

Guilty.....	69
Acquitted.....	0
State Hospital (Insane - 1368 Penal Code).....	5
State Hospital (Not guilty by reason of Insanity - 1026 Penal Code).....	2
Dismissed.....	3
Juvenile Court retained jurisdiction...	2

From the above figures, it is apparent that of the 69 defendants whose cases have been finally disposed of by plea or trial, all were convicted.

During the fiscal year 1974-1975, 386 witnesses testified before the Grand Jury. A total of 73 indictments were returned involving 101 defendants; 86 of these defendants have final



dispositions as follows:

Guilty.....	74
Acquitted.....	0
State Hospital (Insane - 1368 Penal Code).....	4
State Hospital (Not guilty by reason of Insanity - 1026 Penal Code).....	3
Dismissed.....	3
Juvenile Court retained jurisdiction..	2

All of the cases presented to the Grand Jury are major cases involving the most violent crimes such as murder, kidnapping, robbery, rape, and burglary.

Once again, there were no acquittals when these cases were presented in Superior Court. Of the 74 guilty defendants, 63 have been sentenced as of August 5, 1975. An examination of the sentences imposed (see below) demonstrates that almost all of those convicted received State Prison sentences.

State Prison.....	50
(Includes 2 sentenced to death)	
State Prison, execution suspended with County Jail condition and Probation.....	6
California Youth Authority.....	1
California Rehabilitation Center.....	1
State Hospital as a Mentally Disordered Sex Offender.....	5





## HOMICIDE AND SEXUAL ASSAULT PROSECUTION

In order to insure effective prosecution of persons accused of serious crimes of violence, the District Attorney has set up special teams of attorneys to follow such cases from the investigation through the trial. The homicide team has worked effectively for a long time. The sex crimes team was organized in 1972, and has been concentrating on the effective investigation and prosecution of rape cases long before the recent public emphasis on such prosecutions. This was the only District Attorney's office to set up such a special prosecution unit for this purpose.

The attorneys on these teams take charge of the case as soon as it is presented to this office by the police. In some cases, this is prior to the arrest of the defendant. In all cases, the assigned assistant district attorneys review the available evidence, advise on proper charges, prepare search warrants and arrest warrants and interview material witnesses. Where possible, each attorney prosecutes the case from Municipal Court to Superior Court, being responsible for presenting evidence at the preliminary hearing or Grand Jury. The attorney then argues all pre-trial motions and ultimately tries the case in the Superior Court. This specialization produces better trial results and, especially in rape cases, keeps the victim from having to review the facts with more than one district attorney.

During this year, two of the attorneys from the homicide team have been continuously engaged from May, 1974 to the present, in a complicated major prosecution. This case, referred to as the "Zebra" case, involved the street shooting of twenty persons, fourteen of whom died of their wounds. The legal research, pre-trial motions and trial preparation was an enormous task. Over 100 witnesses have testified for the prosecution in court in one of the longest trial ever held in this community.

Statistics showing the work accomplished by this office in homicide and rape prosecutions are as follows:



## HOMICIDE STATISTICS

Total Cases Evaluated . . . . . 121

### Municipal Court:

Held to Answer	. . . . .	50
Discharged	. . . . .	<u>4</u>

Total Preliminary Hearings . . . . . 54

Certified to Juvenile Court . . . . . 1

Certified to Superior Court (1368 P.C. Insane) . 3

Pending . . . . . 4

Justifiable or Excusable Homicide . . . . . 10  
(No Complaint filed)

### Superior Court:

Grand Jury Indictments . . . . . 49

Total Jury Trials . . . . . 21

Guilty Murder First Degree	9
Special Circumstances Found	
True (Death Penalty Imposed - 3)	

Guilty Murder Second Degree 7

Guilty Voluntary Manslaughter 4

Guilty Involuntary Manslaughter 1

Total Guilty 21

Total Not Guilty 0

Total Non-Jury Trials (One Defendant)  
Guilty Murder Second Degree . . . 1

Total Pleas of Guilty (39 Defendants) . . 39

Guilty Murder First Degree 2

Guilty Murder Second Degree 12

Guilty Voluntary Manslaughter 17

Guilty Involuntary Manslaughter 7

Guilty Felony Vehicle Manslaughter 1

Pending Trial . . . . . 27





Motion Set Aside Granted by Court and Dismissal under 1385 P.C.	3
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Total Judgments of "Not Guilty by Reason of Insanity" (1026 P.C.) Committed to State Hospital	5
---	---

Total Judgments of "Mentally In- competent to Stand Trial" (1368 P.C.) Committed to State Hospital	3
--	---

Sentences Imposed By Court:

Special Circumstances (Death Penalty)	3
---------------------------------------	---

State Prison	44
--------------	----

Felony Probation with County Jail Sentence	14
---	----

\* \* \* \* \*

SEXUAL ASSAULT STATISTICS

Charged with Felony	92
---------------------	----

Convicted - Felony	51
Misdemeanor	8

Acquitted	1
-----------	---

Dismissed	8
-----------	---

Witness not available	4
-----------------------	---

Not held by Municipal Court	3
-----------------------------	---

Deceased	1
----------	---

Pending	24
---------	----

Sentences Imposed By Court:

State Prison	15
--------------	----

California Youth Authority	4
----------------------------	---

Felony Probation with County Jail	20
-----------------------------------	----

(Most defendants sentenced after  
State Prison referral and  
evaluation 1203.03 P.C.)

State Hospital as Mentally Disordered	
---------------------------------------	--

Sex Offender	4
--------------	---

Pending Sentence	16
------------------	----

Total Jury Trials (January 1974 - July 1975)	16
--	----

Guilty	12
--------	----

Acquitted	1
-----------	---

Jury disagreed	3
----------------	---



## FELONY VICE PROSECUTION

The program initiated by this office in 1971 to better coordinate all vice enforcement activities with the San Francisco Police Department was continued through fiscal year 1974-1975. Special emphasis has been placed on the formulation of procedures to identify persons engaged in felony crimes related to prostitution, such as robbery, burglary, assault, theft, and fraud. In addition to these relatively new practices, the following procedures formerly implemented were continued:

1. Emphasis on the prosecution of pimps;
2. Cooperation with prosecutorial agencies throughout the State of California with reference to prostitution, pimping, bookmaking and pornography.

Prosecution of Pimps - Since September, 1971, all cases involving suspected or known pimps and panderers are processed through the office of one assistant district attorney who, in addition to his other duties, is assigned to vice control. This procedure insures the uniform and expeditious handling of such cases. In the fiscal year 1974-1975, forty suspected pimps were convicted in the Superior Court of various felonies such as pimping, pandering, kidnapping, felonious assaults and rapes, and an additional forty-two known or suspected pimps were convicted of felony narcotic offenses. Four cases involving pimps were dismissed as the result of the disappearance of prostitute witnesses, and one case resulted in an acquittal by jury verdict. At the time of this writing, there are four cases awaiting Superior Court trial and nine cases awaiting preliminary hearing. Felony warrants are outstanding for eight fugitives.

The total number of defendants convicted for pimping or pandering since the inception of the vice control plan is one hundred and eighty-five, with an additional forty-two known pimps convicted of narcotic offenses. Of all those convicted, a majority received State Prison sentences.

Cooperation with Other Agencies - In fiscal year 1974-1975, there was a significant increase in the number of requests for assistance received from district attorneys in other parts of California, notably, Los Angeles, Orange, Fresno, San Joaquin, Sacramento and Alameda Counties. Many of these requests were for information concerning the effective procedures used by this office in prostitution and pimping prosecutions. Outside agencies have cooperated with this office, and in one case, such cooperation resulted in the conviction of a pimp who had





been recruiting prostitutes from Stockton, Merced, Bakersfield and Los Angeles to work as prostitutes in San Francisco.

Education and Training - The office received numerous requests from various community groups to provide speakers on the subject of prostitution and pimping. Wherever possible, these requests were filled. Newspaper, journalistic, television and radio inquiries also increased as the subject of prostitution became more topical. Every effort has been made to explain the relative responsibilities of the legislature, the police and the district attorney in matters pertaining to vice as well as the deleterious effect of prostitution on the community, the interrelation of narcotic violations and crimes of violence with vice.





## BUSINESS INVESTIGATION - CONSUMER PROTECTION SERVICE

This second year of operation of the Business Investigation - Consumer Protection Service has seen it become the finest in the State through its skilled and vigorous handling of consumer matters. The Unit's primary function is consumer protection although it continues to assist in the field of business investigations.

During the past fiscal year, our involvement in consumer protection has increased dramatically with the receipt and processing of 1,345 new complaints. During the same period, 1,311 complaints were fully resolved resulting in the complaining consumers recovering goods, services, or money in a total value of approximately \$49,715.60, all of which would have been lost to them without our efforts. Investigation of these matters is initiated either by this office or as a result of complaints from citizens or various private or governmental agencies. All investigations require some contact with the individual or business complained about in an attempt to resolve the matter. In some cases, a hearing is held at the Office of the District Attorney, at which time all interested parties are invited to participate.

If the matter cannot be resolved in the above manner, court action is instituted in proper cases. Normally, this type of complaint lends itself either to criminal or civil resolution, and depending upon the facts, the most appropriate action is instituted.

The civil actions filed usually involve the seeking of injunctive relief with a prayer for statutory penalties. Such civil action may result in obtaining a temporary restraining order or preliminary injunction which will require the defendant to immediately cease the alleged illegal activity. Such actions not only stop illegal practices, but also result in the City and County receiving any money collected as penalties.

During the past year, 17 new injunctive actions were filed in Superior Court. During the same period, 19 final judgments in favor of the District Attorney resulted in awards of \$140,701.68. Of this amount, \$66,017.75 has already been collected and deposited with the Treasurer of the City and County of San Francisco. As in the previous year, all judgments in civil actions filed by the District Attorney have been favorable. There are 19 civil actions pending.

Following is a resume of some of the civil actions resolved during the past year:

This report was prepared by the Department of the Interior, Bureau of Land Management, in accordance with the provisions of the Act of October 3, 1917, (40 Stat. 2909), and the Act of March 3, 1909, (35 Stat. 1809), and the Act of August 9, 1906, (34 Stat. 2254).

The purpose of this report is to provide information regarding the land owned by the United States in the State of California, and to show the location and extent of such lands. The lands are classified into three general categories: (1) Lands owned by the United States in fee simple; (2) Lands owned by the United States in trust for the benefit of the people of the State; and (3) Lands owned by the United States in trust for the benefit of the Indians of the State.

The lands owned by the United States in fee simple are those lands which have been acquired by the United States by purchase, donation, or otherwise, and which are not subject to any trust or other restriction.

The lands owned by the United States in trust for the benefit of the people of the State are those lands which have been acquired by the United States by purchase, donation, or otherwise, and which are subject to a trust or other restriction for the benefit of the people of the State.

The lands owned by the United States in trust for the benefit of the Indians of the State are those lands which have been acquired by the United States by purchase, donation, or otherwise, and which are subject to a trust or other restriction for the benefit of the Indians of the State.

The following is a list of the lands owned by the United States in the State of California, and the location and extent of such lands.

People v. Matthew's T.V. & Stereo City, Inc.

People v. Cal Hi Fi

People v. Lombard's Lafayette

People v. Pacific Stereo

The above civil prosecutions resulted from investigations instituted by the District Attorney's Office in the stereo sales field. Deceptive pricing and false discount claims made by the firms sued were discovered in this investigation. Judgments were obtained against the defendants in which they were enjoined from such unlawful business practices and ordered to pay monetary penalties to the City and County of San Francisco.

People v. Sherman Clay Co.

People v. Cline Piano Co.

The above two civil prosecutions resulted from an investigation initiated by the District Attorney's Office into the organ and piano sales business. False advertising by these firms and the non-availability of advertised merchandise was the basis upon which the above legal action was taken. Judgment against the two firms were obtained in which they were enjoined from such unlawful practices and ordered to pay monetary penalties to the City and County of San Francisco.

People v. Sakai Co.

This civil action charged the defendant with unlawfully selling whale meat, a prosecution under the Endangered Species Act. The trial resulted in a judgment against the defendant in which it was enjoined from selling whale meat and was ordered to pay a monetary penalty to the City and County of San Francisco.

People v. Marina Health Spa and Thomas DuPont

This Company was charged with violations of the Health Studio Services Contract Act, which was enacted to safeguard the public against fraud, deceit, imposition and financial hardship in the field of health studio services. The Company was also charged with making oral and written false representations concerning its services. After a four week trial, the Court







rendered a Memorandum Opinion and Intended Decision in favor of the District Attorney's Office. Under its terms, the defendant is ordered to pay \$107,000 in monetary penalties with one-half of that suspended upon the condition that the defendant comply with all the terms of the judgment. In addition, the defendant is to be enjoined from continuing its false advertising and restrained from enforcing any of the terms and conditions of contracts entered into prior to the filing of the action. (Because this judgment does not become final until after July 1, 1975, the monetary penalties have not been included in the previously mentioned \$140,701.68.)

The Unit has also filed 121 criminal complaints during the past fiscal year. Most of the cases involve consumer oriented crimes, such as false advertising, contracting without a license, Health and Safety Code violations, and Business and Professions Code violations. In addition, the Unit has assisted in the investigation and prosecution of business fraud cases, including embezzlement, theft by false pretenses, forgery and other related criminal activity.



## ELECTION LAW ENFORCEMENT

A substantially new area of law enforcement in which the District Attorney is now involved includes Election Campaign Disclosure and Conflict of Interest Laws. The Political Reform Act of 1974 (Proposition 9), which became effective in January, 1975 served to complicate an already complex body of law that existed in the Waxman-Dymally Campaign Disclosure Act and the Moscone Conflict of Interest Act, each of which became effective in 1974. It was not until late June of 1975 that the confusion was resolved by special legislation declaring the earlier laws to be inoperative. In addition, a local ordinance enacted in 1973, imposes strict limitations and requirements on candidates and committees during an election.

Under State law, Los Angeles, Sacramento, and San Francisco are made mandatory filing locations for many campaign statements. As a result, these counties are vested with jurisdiction to prosecute violations, many of which have little or no local connection. Furthermore, inasmuch as the enforcement agencies within these counties must be notified before any independent legal action can be initiated, the number of matters requiring investigation continues to increase.

The impact of these laws has required the assignment of one trial attorney to full time specialization in this complicated and uncharted field. Liaison was established with the newly formed campaign law units in the Office of the Attorney General, and the offices of the District Attorney in Sacramento and Los Angeles. Research and investigation into a number of alleged violations were undertaken. These investigations were found to be complicated and time consuming, often calling for coordination with the above named agencies.

As a result of the investigations conducted by this office, two civil actions\* were filed seeking recovery of awards in excess of \$55,000.00.

One criminal action charging a defendant with fraudulent voting was filed. This accused was convicted by a jury.

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\* People of the State of California vs. Citizens United Against Proposition L, et al.

People of the State of California vs. Transport Workers Union of America, et al.





## EXTRADITION OF FUGITIVES

When fugitives from this jurisdiction are apprehended in other States or Countries, this office is responsible for the legal process necessary to return them to this State for trial. Formal extradition requires the preparation of a complete legal file with documentation concerning the defendant and his alleged criminal conduct. The file is forwarded to the Governor of the State who must review the request and sign a warrant of extradition. This warrant must then be forwarded to the Governor of the asylum State for his action. The District Attorney handles all legal work connected with this function of the criminal law.

During this fiscal year, 13 formal extraditions were processed. In many other cases fugitives were returned for trial after they waived formal extradition proceedings.

The most interesting and difficult of the extradition cases was that involving Larry Pinkney, a man convicted by jury trial of burglary and assault with a deadly weapon. Pinkney fled to Paris, France and subsequently sought asylum in Stockholm, Sweden. After long negotiations with the Swedish authorities, including appeals to the Swedish Supreme Court, the Kingdom of Sweden ordered that Larry Pinkney be returned to the United States. Unfortunately, an official in Stockholm returned Pinkney's passport to him in error and the fugitive was able to flee from Sweden. He is still being sought.

In another international extradition, a fugitive accused of committing two murders in San Francisco was successfully extradited from Singapore. He has since been convicted and is in State Prison.





## DOMESTIC RELATIONS DIVISION

This unit of the Office of the District Attorney has responsibility for enforcing the obligation of parents to support their children. Appropriate action is taken in public assistance cases referred to this office by the San Francisco Department of Social Services or by other jurisdictions, and, in non-welfare cases, when the custodial parent requests that enforcement efforts be made. The Division also, through its Bureau of Family Relations, investigates complaints that a crime has been committed by one member of a family against another. In addition, the Division initiates criminal action against those who have fraudulently received public assistance.

New federal legislation was enacted in 1974 which provided for the return to this county of a portion of the funds collected from absent parents, as reimbursement for the costs incurred in the child support enforcement work of the Division. The amount of the reimbursement for salaries and overhead expenses during the fiscal year is \$72,063.00. Additional reimbursements from the California Support Enforcement Incentive Fund for the enforcement work done during the fiscal year are anticipated. In recognition of the importance of the work and the availability of reimbursement for the cost of performing it, additional personnel have been authorized for the Division. The volume of work accomplished by the Division is expected to rise accordingly in the coming fiscal year.

Activities directed toward the securing of child support during the fiscal year may be summarized as follows:

Cases opened and investigated . . . . .	3,362
Hearings and interviews of parties conducted . . . . .	999
Civil non-support actions filed and prosecuted . . . . .	537
Criminal non-support actions filed and prosecuted . . . . .	63

The above listed activities produced the following results:

Voluntary payment agreements secured from the absent parent . . . . .	95
Civil support orders secured . . . . .	435
Wage assignments ordered . . . . .	116
Criminal judgments secured . . . . .	43
Child support collections	\$1,286,427.00

Activities with regard to cases of possible welfare fraud referred to this unit during the fiscal year may be summarized as follows:



Total number of cases referred . . . . .	375
Cases not prosecuted because restitution secured or for other reasons . . . . .	228
Arrest warrants issued . . . . .	147

In the cases in which arrest warrants were issued, the following results were produced:

Defendants brought before the court . . . . .	130
Bench warrants issued for subsequent non-appearance .	6
Dismissals entered, usually because responsibility was assumed by a co-defendant . . . . .	12
Convictions . . . . .	90
Acquittals . . . . .	2

A subdivision of the Domestic Relations Division, the Bureau of Family Relations, investigates complaints of an allegedly criminal nature arising between family members or other socially related persons. In the course of the investigations, the participants in the incidents are interviewed and police reports are reviewed. Upon completion of the investigations, prosecutions are commenced in appropriate cases, while in other cases the parties are referred to other agencies for family counseling or civil legal assistance. The following is a summary of such complaints processed during the fiscal year:

	<u>Complaints</u>
Battery . . . . .	820
Threats of bodily harm . . . . .	418
Drinking . . . . .	245
Disturbing the peace . . . . .	201
Annoying telephone calls . . . . .	151
Malicious mischief . . . . .	149
Mental illness . . . . .	102
Narcotics . . . . .	53
Denial of child visiting rights . . . . .	52
Felonious wife-beating . . . . .	12
Miscellaneous other . . . . .	<u>361</u>
 TOTAL	 2,564







## BAIL BOND COLLECTIONS

July 1, 1974 through June 30, 1975

As a collateral aspect of criminal prosecution work, the Office of the District Attorney secures civil judgments against insurance companies which have issued bail bonds guaranteeing the appearance in court of criminal defendants who subsequently failed to appear. During the fiscal year, twenty-one such civil judgments were secured. Collections on these judgments, and on others previously secured, may be summarized as follows:

Collected on judgments	\$99,500
Interest collected	394
Total	<u>\$99,894</u>

Cases in which collection had not yet been made on judgments issued prior to June 30, 1975 fell into the following categories:

Appeals and motions by insurance companies pending	\$21,500
Insurance company in liquidation	51,625
Collections in normal year-end process	5,000
Total	<u>\$78,125</u>

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

As a preliminary step in the investigation of the activities of the American Revolution Society, the following information was obtained from the records of the Department of Justice, Office of the Attorney General, dated January 1, 1941.

RECEIVED

JAN 1 1941

U.S. DEPT. OF JUSTICE

WASHINGTON, D.C.

Re: American Revolution Society

Organization of the Society

1941

Enclosed for the Department of Justice are the following documents:

1. Certificate of Incorporation of the American Revolution Society, dated January 1, 1941.

2. Bylaws of the American Revolution Society, dated January 1, 1941.

3. Minutes of the meeting of the American Revolution Society, dated January 1, 1941.

4. List of the members of the American Revolution Society, dated January 1, 1941.

5. Certificate of the American Revolution Society, dated January 1, 1941.

6. List of the officers of the American Revolution Society, dated January 1, 1941.

## JUVENILE DIVISION

Section 681 of the Welfare and Institutions Code provides that the District Attorney, at the request of the Juvenile Court, shall furnish representation for the Juvenile Court system where a minor is accused of an unlawful act of a criminal nature. Attorneys in the Juvenile Division of the San Francisco District Attorney's Office present evidence in court in child abuse cases, and in cases where a minor is accused of a criminal act. The accusations to be proved are set out in petitions filed by the probation officer under Section 602 of the Welfare and Institutions Code.

During the fiscal year from July 1, 1974 through June 30, 1975, three attorneys were assigned to this unit in order to present cases before one Superior Court Judge and three Superior Court Referees at Juvenile Court.

One of these attorneys has been active in the San Francisco Child Abuse Council which is comprised of doctors of medicine, psychiatrists, social workers, probation officers and lay people; all of whom are interested in taking prompt and decisive legal action to prevent recurrent child abuse. The attorney from the Juvenile Division so serving has been elected President of this group.

The Welfare and Institutions Code provides that a juvenile probation officer is responsible for filing the petition which charges a juvenile with any offense involving criminal conduct.

In cases where a juvenile is alleged by the police to have committed a felony offense, the police assign the case for further investigation to a police inspector in one of their bureaus. Where a juvenile is in custody, the law requires that he be taken before the court within one court day to determine whether he shall be detained in custody. The law further provides that he may require a confrontation in court with witnesses no later than the following court day. Before filing a petition, the juvenile probation officer reviews the evidence available with one of the assistant district attorneys. The attorney evaluates the evidence available and advises the juvenile probation officer if there is sufficient legal evidence to warrant charging a criminal offense. The allegations in the petition must be proved beyond a reasonable doubt at the court hearing.

If, in the opinion of the District Attorney, there is insufficient legal evidence to warrant the probation officer filing such a petition, other remedies are available under the juvenile court law to properly care for the juvenile.





In the first half of the fiscal year, 491 petitions were received; in the second half of this year, 755 petitions, or 61% of the total were received. In the first half of the fiscal year, 583 appearances at hearings were required; in the second half of this year, 759 appearances were required. The increase in juvenile crime, with the consequent increase in work load on the District Attorney's Office is obvious. The crimes of burglary, robbery and theft from the person comprise 73% of the major juvenile criminal acts occurring in San Francisco.

Of the 1,342 contested matters in which the Juvenile Division attorneys appeared in court, 92.4% of the petitions were sustained in court.

The District Attorney, by law, is not a party to the final disposition or sentence of the juvenile unless specially invited by the court to make his views known through the probation officer's social report.

During the 1974-1975 fiscal year, the San Francisco Juvenile Court (and its referees) ordered the following dispositions of juveniles upon whom petitions had been sustained:

A. Ward, Committed to California Youth Authority.....	127
B. Ward, With Formal Supervision, Committed to Log Cabin Ranch School, Hidden Valley Ranch School, or Girls' Center.....	347
C. Ward, Placed Outside of Home.....	144
D. Formal Supervision at Home or Relative's Home.....	1006

#### Major Felony Cases Presented in Juvenile Court

##### Homicides

Murder (187 P.C.) Petition Sustained.....	2
Murder (187 P.C.) Certified to be Tried as Adults.....	2
Murder (187 P.C.) Extradition after hearing....	1
Manslaughter (192 P.C.) Petition Sustained.....	1

TOTAL 6





Other Crimes of Violence

Robbery (211 P.C.).....	122	
Grand Theft From the Person (487 P.C.).....	109	
Felonious Assaults (245a P.C.).....	38	
Juveniles Armed with Concealed Weapon (12021.5 P.C.).....	20	
Rape (261 P.C.).....	4	
Arson (449a P.C.).....	4	
Kidnaping (207 P.C.).....	1	
	TOTAL	298

Crimes Against Property

Burglary (459 P.C.).....	144	
Receiving Stolen Property (496 P.C.).....	64	
	TOTAL	208



## MUNICIPAL COURT DIVISION

The Municipal Court Division is comprised of Assistant District Attorneys whose duties involve the issuance of arrest and search warrants, the screening of charges placed against arrested persons, the presentation of evidence at felony preliminary hearings and the prosecution of misdemeanor cases in the Municipal Court.

Municipal Court attorneys also prepare complaints, handle arraignment calendars, prepare and argue pretrial motions to suppress evidence; motions to revoke or modify probation; and motions for discovery. These attorneys also conduct complaint hearings in many minor misdemeanor cases in order to screen the issuance of warrants. All parties concerned are permitted to participate in these hearings in an attempt to resolve the complaint. The need to have attorneys in court throughout each day, and the limited staff available has to some degree curtailed this activity.

### Diversion

During the fiscal year, 616 defendants were diverted by the Municipal Court in connection with both felony and misdemeanor offenses involving the possession of drugs and narcotics. During the same period, 423 persons successfully completed the diversion program on which they had previously been placed, and the charges against them were dismissed by the Court. Of those previously placed on diversion program, charges against 97 persons were reinstated as a result of either voluntary or involuntary termination of their diversionary status. These dispositions are effected under the provision of Section 1000 of the California Penal Code.

### Diversion Statistics

<u>Charge</u>	<u>Number Diverted</u>
Possession of Marijuana .....	408
Possession of Heroin, Cocaine or Opium .....	77
Possession of Dangerous Drugs .....	<u>131</u>
Total	616

During the year, attorneys in this Division handled 724 complaint hearings in the office, prepared 930 arrest warrants and 171 search warrants. Additionally, over 10,200 complaints were prepared and filed in court charging persons





who had been arrested on minor traffic violations or disorderly conduct. The courts in which these cases appear are not staffed by Assistant District Attorneys, so these complaints are not included in other statistics listed.

### Traffic Court

In the Municipal Court Traffic Department which handles serious traffic violations, a total of 10,997 charges were filed against 6,500 defendants. An Assistant District Attorney is assigned to this court. Of the total charges, 3,631 were for driving under the influence of alcohol or drugs; 1,241 of the total charges were the subject of demands for jury trial. Guilty pleas were entered to 6,289 of the charges; the balance of the charges were tried before the court, or dismissed by the court where pleas of guilty were accepted to other charges; or where the court permitted the offender to voluntarily attend traffic school. Motions to revoke probation were filed against 62 defendants in the traffic department.

### General Misdemeanor Court

During the fiscal year, attorneys assigned to the Municipal Court Master Calendar departments processed all non-traffic misdemeanor filings, arraignments, pretrial motions, pretrial conferences, motions to suppress evidence, and motions to revoke probation. In addition, all cases involving traffic violations where jury trials were demanded were transferred to this department.

Attorneys assigned to these courts processed approximately 17,500 defendants charged with approximately 25,900 misdemeanor charges. Of the 25,900 charges appearing on these calendars, some 3,525 charges were not included in the complaints actually filed because investigation proved them to be unfounded, or not supported by sufficient evidence. Dismissals often occur where the police have arrested and booked a person on duplicate or overlapping charges; or where available witnesses are unable or unwilling to testify to the facts noted in the police report.

During the year, 301 defendants proceeded to jury trial on misdemeanor charges. Of that total, 198 were convicted, 55 were acquitted, and jury disagreements resulted as to 48 defendants.

At the end of the fiscal year, there were 1,048 cases involving 1,272 defendants who were charged with 1,912 offenses pending in the Municipal Court Master Jury Calendar Department.



## Felony Cases in Municipal Court

During the fiscal year, 10,906 persons were arrested in San Francisco and booked by the arresting officers on felony charges. (This number is in addition to those arrested on warrants.)

"No warrant" felony arrests are made by officers as a result of their observations or investigations which provide them with reasonable and probable cause to believe that a felony has been committed. Following a "no warrant" felony arrest, the case is investigated by the assigned Inspector from the Police Department, who thereafter presents the facts to an experienced senior Assistant District Attorney. All evidence is then discussed and evaluated so that proper charges can be filed.

During this fiscal year, as a result of such evaluation conferences, 5,359 persons were charged with felony offenses; 2,353 were charged with misdemeanor violations; and 3,194 persons were released without charge within the 48 hours allowed by law for their detention. Many of these arrests involved crimes which required complicated investigations which the police could not complete in such a short time. Many of these persons were subsequently arrested on warrants issued after the investigation was completed. Other releases resulted from the failure of witnesses or victims to identify those arrested; the inability to identify property as stolen; the determination by the crime laboratory that suspected narcotics or drugs were in fact not contraband; and the conclusion that evidence had been illegally seized and could not be used in evidence. In some cases, there was insufficient evidence of any kind upon which to proceed.

In those cases where defendants were under eighteen years of age, they were certified to Juvenile Court. In some cases, suspects were wanted for prosecution on more serious crimes in other jurisdictions, and so local charges were not filed.

After preliminary hearings were held in Court to show probable cause, 1,525 cases involving 1,829 defendants were held to answer for trial in Superior Court. A total of 265 defendants entered pleas of guilty to felony charges in the Municipal Court and were certified to Superior Court for sentence.

In approximately 1,725 cases, defendants entered guilty pleas to misdemeanor charges and were sentenced in the Municipal Court. In approximately 692 cases, the charges were reduced by the Court after hearing testimony at the preliminary hearing, or by the District Attorney as a result of the continuing investigation.





In approximately 239 cases, the charges were dismissed by the Municipal Court Judge after evidence was presented at a preliminary hearing. In such cases the court was not satisfied that there was sufficient credible evidence to bind the defendant over for trial, or the court ruled that the only evidence available to prove the charges had been obtained in violation of the exclusionary rule and could not be received in evidence.

(It should be noted that due to the large number of arrests, charges and court appearances which are involved in the court process at the Municipal Court level, and due to the shortage of personnel assigned this office, it has been impossible to maintain continuous accurate statistics.)





## SUPERIOR COURT APPEALS

As a result of the continuous changes in procedural law, and the fact that appeals are free and are encouraged by the courts, a large percentage of convictions are appealed. The preparation of briefs and oral argument to the appellate court are, by law, the responsibility of the Attorney General. Members of the trial staff of this office, however, often consult with and assist in the preparation of appeals.

During the fiscal year, a total of 115 felony matters were appealed. Of these, 107 appeals were held to have no merit while only 8 resulted in reversal of convictions. These cases were returned to Superior Court for retrial. Most of the reversals were the result of changes in the interpretation of laws relating to the admissibility of evidence or to improper jury instructions by the Court.

The fact that almost every conviction obtained by this office is upheld by the Court of Appeals is a tribute to the professional competence of the trial attorneys who carefully prepare, research and present the evidence in court.



MUNICIPAL COURT  
APPELLATE DIVISION

The Appellate Division of the District Attorney's Office handles appeals from misdemeanor convictions, motions to suppress and demurrers. These appeals are heard in the Appellate Department of the Superior Court and may be filed either by the defendant or by the People in an appropriate case. One Assistant District Attorney is assigned to the Appellate Division and is responsible for the preparation and filing of motions, affidavits, legal briefs and various other forms of pleadings relating to such appeals. Each Friday the three-judge Appellate Panel of the Superior Court convenes at City Hall for oral argument, at which time the Appellate attorney argues all criminal cases appearing on the calendar.

Additionally, the attorney assigned to the appellate division prepares pleadings and appears in the trial court to argue demurrers, motions to suppress and various other pretrial motions in cases pending trial. On some occasions he is required to argue petitions for writs of habeas corpus or other relief in Superior Court. There were 949 defendants on whom motions to suppress were heard during this past fiscal year, which were briefed and argued by this attorney.

Appeals filed by convicted defendants..... 96

Conviction Affirmed..... 43

Conviction Reversed..... 3

Appeals pending..... 23  
(Includes cases pending  
at start of fiscal year)

Appeals dismissed..... 45  
(Appeals not perfected by  
Appellant)

Appeals filed by People..... 6

Municipal Court Reversed.... 2

Municipal Court Affirmed.... 2

Pending..... 2

THE  
FEDERAL  
BUREAU OF INVESTIGATION

REPORT OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION  
ON THE MATTER OF THE ALLEGED VIOLATION OF THE  
ANTITRUST LAWS BY THE UNITED STATES STEEL CORPORATION  
AND ITS SUBSIDIARIES  
IN CONNECTION WITH THE PURCHASE OF THE  
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## BUREAU OF INVESTIGATION

### CRIMINAL DIVISION

The Bureau of Investigation, Criminal Division, is staffed by investigators under the supervision of a Chief Investigator and one Senior Investigator. All are peace officers assigned to assist in the preparation of cases for trial.

Local law enforcement procedures in the police department are such that very little investigation is conducted where misdemeanor arrests are made. The Inspectors Bureau of the police department allocates its resources to the investigation of felonies. The District Attorney investigators are required to make all investigations in the misdemeanor cases and such supplemental investigations as are necessary in felony cases awaiting trial.

Investigators in the Criminal Division conduct field investigations, prepare diagrams and photographs, locate and interview witnesses, serve subpoenas, and when necessary, testify in court.

Division investigators handle election law and conflict of interest investigations, rehabilitation and pardon correspondence, and demands for speedy trial made by persons incarcerated in other jurisdictions who have charges pending here.

The complaint desk of the District Attorney's office is regularly staffed by investigators who receive and process approximately 10,000 reports, complaints, and inquiries from citizens each year.

### CASE WORK STATISTICS

Preliminary investigations on court cases. . . . .	2963
Total cases for trial preparation . . . . .	439
Superior Court. . . . .	71
Municipal Court . . . . .	368
Photography necessary for case preparation . . . . .	38
Cases in which charts, diagrams or scale drawings were prepared . . . . .	17
Subpoenas served . . . . .	373
Miscellaneous (criminal records checked; tape re- cordings transcribed, transporting witnesses, demands for trial, rehabilitation and pardon). . . . .	1587

Statistics not included for the investigation staff which is regularly assigned to work in the Consumer Fraud Unit, or the Reciprocal Support and Aid to Families with Dependent Children section.



## PSYCHIATRIC DIVISION

The main functions of this Division are:

- A. Investigation of alleged mentally disordered and intemperate persons, and those addicted to narcotics or habit-forming drugs who are dangerous to themselves or others, or gravely disabled because of their condition.
- B. To represent the City and County at judicial proceedings under provisions of the Welfare and Institutions Code which provides for conservatorships for certain persons not able to care for themselves.
- C. To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism or drug addiction.

Complaints from individuals or referrals from other agencies which involve mental illness, alcoholism or drugs are investigated by a psychologist on the staff of this office. Where there is reason to believe that a person suffers from a mental disorder and that such illness is dangerous or gravely disabling, and no relatives are willing to assume the responsibility, the District Attorney must take appropriate legal action to insure that the mentally ill person is hospitalized. At such judicial proceedings, evidence that the person is a danger to himself or to others, or is gravely disabled as a result of mental disorder, is presented by the District Attorney either at a jury trial, or in response to writs of habeas corpus, on in conservatorship hearings.

### Summary of cases:

Jury Trials.....	1
Patient Accepted Voluntary Hospitalization..	1
Writs of Habeas Corpus, Filed by Patient...	25

Denied.....	11
Granted.....	8
Withdrawn.....	6

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MEMORANDUM FOR THE RECORD

DATE: 10/10/50

TO: THE DIRECTOR, FBI

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

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2. [Illegible]

3. [Illegible]

ADMINISTRATIVE

4. [Illegible]

5. [Illegible]

6. [Illegible]



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The Psychiatric Division is also responsible for the investigation of some persons charged in criminal cases where a psychiatric background is shown. Defendants in misdemeanor criminal cases who, because of their mental condition, have been diverted from the normal channels of criminal justice to hospitals or local psychiatric facilities require detailed follow-up investigations to insure proper disposition of the criminal cases.





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ANNUAL REPORT TO MAYOR

**DISTRICT ATTORNEY**



**SAN FRANCISCO**

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Submitted by

JOSEPH FREITAS, JR., DISTRICT ATTORNEY

July 1, 1975 - June 30, 1977



## ANNUAL REPORT

(Fiscal Years '75-'76 and '76--'77)

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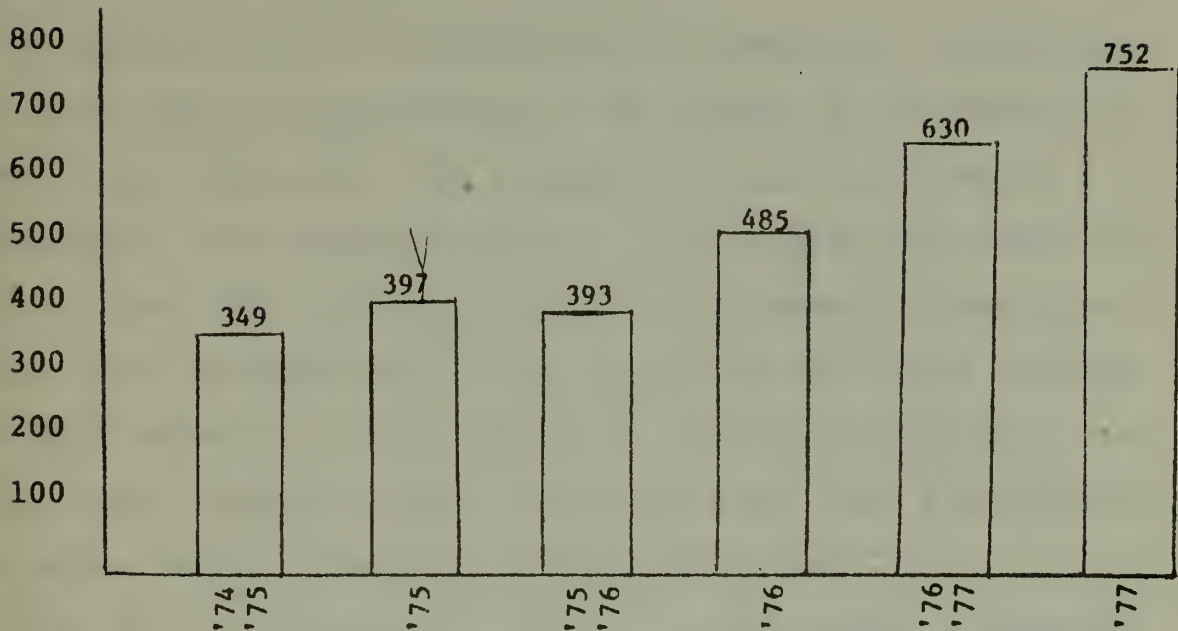
## INTRODUCTION

This report covers the last six months of the prior administration and the first eighteen months of my administration (July 1, 1975 to June 30, 1977). It has been a period of tremendous change: our staff has increased from 117 to 220 permanent positions; the Family Support Bureau was established as a separate functioning entity; a highly successful Consumer Fraud Unit was started; three major grants were funded (Victim/Witness Assistance, Career Criminal Prosecution and Corruption Control); and the Criminal Division was reorganized to include vertical, or specialty team representation for felony prosecutions.

The target of this increased capability has been stronger prosecution of violent and serious crime. The results to date are dramatic and encouraging. The graph on the following page shows the increase in the number of persons given state prison sentences. While felony arrests over the period have remained relatively constant, the number of persons sentenced to state prison has more than doubled. We take great satisfaction in seeing such an increase in response to our increased staffing and tougher prosecution policies.



CASES RECEIVING STATE PRISON SENTENCE



Much work remains. We need to make better use of information systems in order to manage this growing and complex office. We also need to work for better ways to handle the tremendous volume of misdemeanor cases. Misdemeanor crimes are serious; they are of the type that, because of their volume, slowly erode the City's quality of life. Yet, by their numbers they tax our ability and the court's ability to dispense justice. Defendants' rights are no less because they are charged with lesser crimes; the same procedural due process must be applied to misdemeanors as felonies. Trials are costly, yet without the ability to take misdemeanors to trial, the justice process disintegrates into the crudest form of bargaining. Our biggest challenge over the next several years



will be to convince a financially beleaguered city government to properly staff misdemeanor prosecutions.

In March, 1976, I reorganized the Consumer Fraud/White Collar Crime Unit in fulfillment of my pledge to the People of San Francisco. That unit now consists of eight attorneys, six investigators, and support staff. In less than one year of operation, they have more than doubled the number of complaints received, and increased the fines, penalties and costs awarded to the City treasury by more than five times! In addition, the unit has been responsible for returning more than \$340,000.00 to the people of San Francisco through restitution.

Also in the Spring of 1976, I established a Special Prosecutions Unit to investigate and prosecute sophisticated, systematic and organized criminal activity with special emphasis on corruption in government. This unit will be augmented by an LEAA grant which will commence in August, 1977. The unit's cases have included police corruption, embezzlement by government officials, certain political campaign reporting violations, and various extortion schemes.

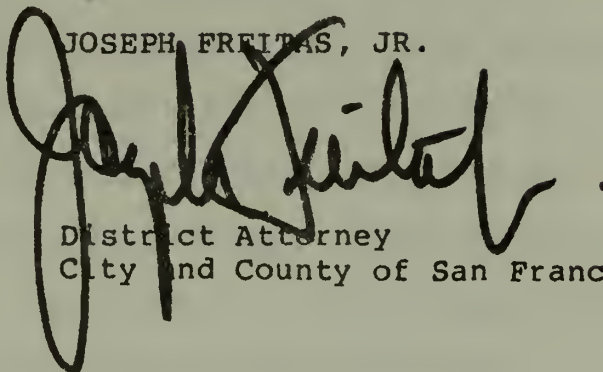
The report that follows describes with facts and figures this office's operation over the two year period. What it cannot convey is the feeling of our work. The District Attorney's Office is a hectic-paced but exciting organization with which to be associated. It consists of dedicated professionals and non-professionals trying to make this naturally beautiful city a better place to live. I am pleased





to be part of this effort and to present this record of our activity and progress during the first 18 months of my administration to the People of San Francisco.

JOSEPH FREITAS, JR.

A large, stylized handwritten signature in black ink, appearing to read "Joseph Freitas, Jr.", written over the typed name.

District Attorney  
City and County of San Francisco

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

TO THE HONORABLE CHAIRMAN OF THE BOARD OF TRUSTEES  
OF THE UNIVERSITY OF CHICAGO

Very truly yours,  
[Signature]

Professor of Chemistry  
University of Chicago

## PREFACE

This annual report covers two fiscal years. Originally, it was the intention of the District Attorney's Office to report on its activities on a calendar year basis. Such a report would have permitted a comparability with the reporting system of the police department and the Bureau of Criminal Statistics of the California Department of Justice, both of which report on a calendar year basis. Additionally, such a reporting system would provide a sound basis for San Francisco's newly initiated program output budgeting.

Such a calendar year reporting system is not yet feasible because of various unanticipated delays in new data collection system implementation. No systematic, comprehensive management information is now being retrieved from the existing Court Management System (CMS). In large part this is because programming has not been done to retrieve aggregate case information now in the system, which is used primarily for calendar and case inquiry information. Similarly, in the course of its computerization, manual collection of such data has not been reliably kept. The result has been that San Francisco's already inadequate criminal justice data collection system has become even more chaotic in the period 1975 through 1977. Aggregate case data by the courts has been kept regularly on a fiscal year basis; it is used whenever available in this report.

The first thing I noticed when I stepped out of the train was the smell of the sea. It was a salty, bracing scent that seemed to fill the air. I had heard that the weather in London was terrible, but this was something else entirely. The sun was shining brightly, and the sky was a clear, vibrant blue. The people on the street were dressed in their finest clothes, and there was a sense of excitement and anticipation in the air. I had heard that the city was full of life and energy, and now I knew it was true. The streets were wide and clean, and the buildings were tall and grand. I had heard that the city was a place of opportunity and ambition, and now I knew it was true. The first thing I noticed when I stepped out of the train was the smell of the sea. It was a salty, bracing scent that seemed to fill the air. I had heard that the weather in London was terrible, but this was something else entirely. The sun was shining brightly, and the sky was a clear, vibrant blue. The people on the street were dressed in their finest clothes, and there was a sense of excitement and anticipation in the air. I had heard that the city was full of life and energy, and now I knew it was true. The streets were wide and clean, and the buildings were tall and grand. I had heard that the city was a place of opportunity and ambition, and now I knew it was true.

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## Duties of the District Attorney

The District Attorney is charged with the responsibility of prosecuting public offenses committed within the boundaries of the City and County of San Francisco.

Prosecution by the District Attorney's Office is not limited to the presentation of evidence in a court of law. The overall prosecution of a criminal case includes criminal investigation, grand jury inquiries, conferring on legislation and drafting new legislation, advising law enforcement officers and involvement in other criminal proceedings such as search warrants, arraignments, preliminary hearings, pretrial motions (demurrers, motions to suppress, etc.) pretrial conferences, sentencing recommendations, and motions to revoke grants of probation.

Additionally, the District Attorney has duties in mental health commitments, consumer protection, family support (collection of civil judgments ordering an absent spouse to pay support for his children/family), juvenile prosecutions, and election and campaign law enforcement.

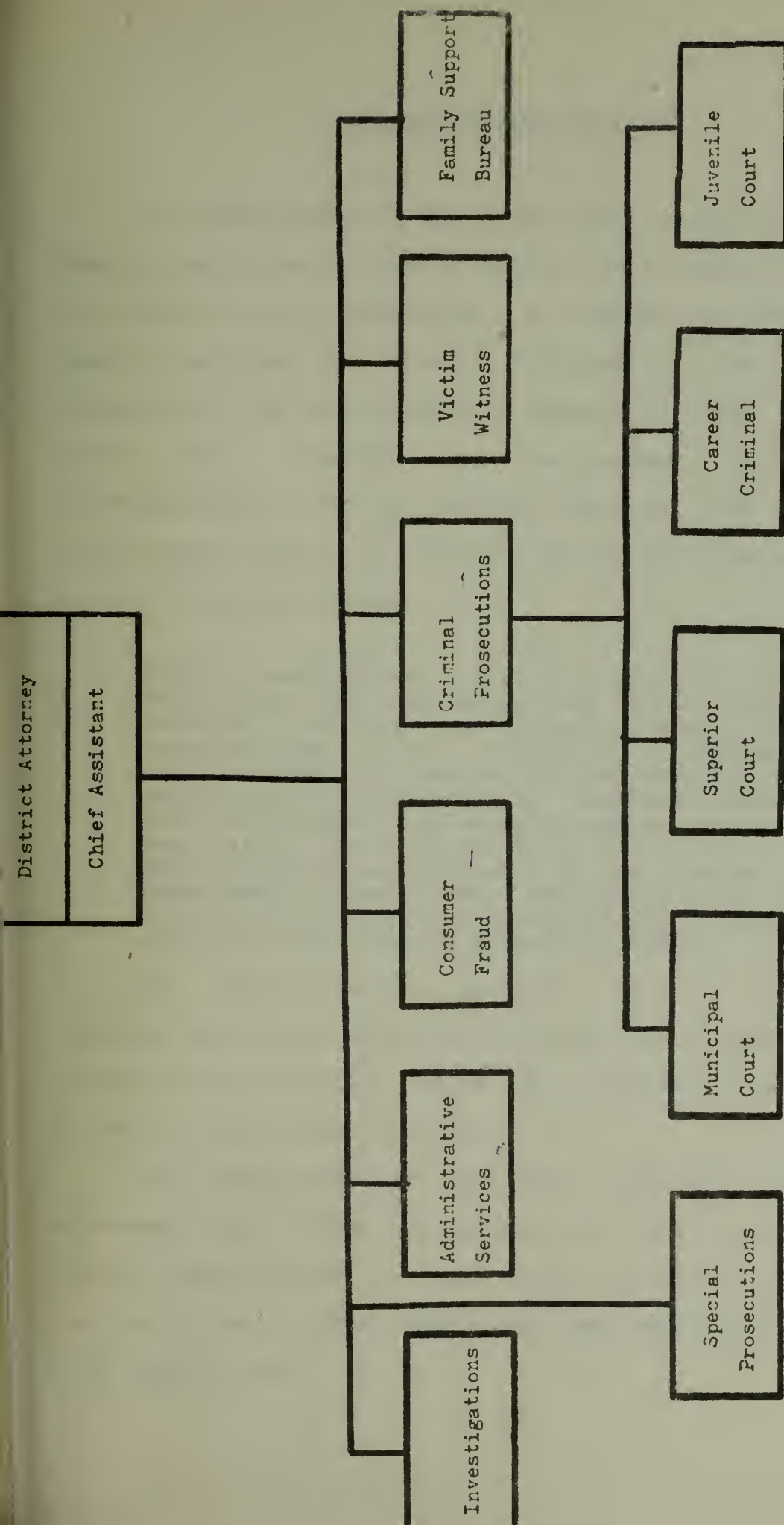
In order to execute his responsibilities in an effective and efficient manner, the District Attorney's Office is divided into seven major divisions. The largest division by far is Criminal Prosecutions which in turn is broken down into four major sections. This organization is depicted graphically on the following page, and each division and major section is



reported on separately in the material that follows.

Several of the District Attorney's most important duties do not require sufficient staff to warrant a separate division and thus do not show on the organization chart. These functions are assigned to one or more deputies in addition to their regular workload. These functions are also discussed separately following the divisional material.









## ADMINISTRATIVE DIVISION

The Administrative Division plans, organizes, and directs administrative activities of the District Attorney's Office in all phases of its operations. It coordinates and provides all support services not directly related to case investigation, preparation and prosecution. Members of the administrative staff meet, consult and correspond with department representatives, various outside agencies, the general public and the news media. The Administrative Division is responsible for the following duties:

Budget preparation, payroll, purchasing, accounting, maintenance of personnel and Civil Service records, inventory control, providing travel and hotel/motel accommodations for witnesses, mimeographing and reproduction, affirmative action coordination, personnel evaluation and supervision, interdepartmental relations, grant application and administration, analysis of pending legislation, maintenance of a law library, coordinating administrative and professional staff efforts relative to departmental operations, employment and assignment of personnel and other specialized activities unique to and affecting the District Attorney's Office.

The Administrative Division consists of 28 people assigned to central administration, 16 people assigned directly to other organizational units and 5 people hired under grants to handle grant administration.

The Administrative Division processes all filings, subpoenas, case files and motions for 39,000 criminal filings and all non-criminal filings; keeps personnel and pay records for the office's 220(+) employees; and administers a budget of more than \$3.3mm.



In order to meet the increasing administrative demands of the office, a word processing system has been installed and the computerized Court Management System is being developed for use by the office.





## CRIMINAL DIVISION

The largest section of the District Attorney's Office is the criminal division, which includes all attorneys not assigned to the Family Support Bureau, Consumer Fraud/White Collar Crime Unit, or to Special Prosecutions.

### Superior Court Section

In January 1976, the Superior Court Section was reorganized into several felony teams, each of which was assigned a specific area of concentration. Team members generally are given responsibility for handling a case from its charging to its ultimate disposition. Such a policy of case assignment is referred to as vertical representation. It is designed to improve: individual accountability for case disposition, accuracy of initial charges, case continuity, technical competence, and investigative liaison with police inspectors.

In combination with the policy of no plea bargaining in violent or fear inducing (e.g. burglary) felony cases, it has produced a more effective and zealous advocacy which has resulted in a substantially increased rate of commitments of felons to State Prison.

Comparative statistics for fiscal years 1975-76 and 1976-77 show a number of significant changes in office performance. Foremost among them is the +60% increase in State Prison commitments in the most recent fiscal year. In fiscal



1975-76, 393 persons were sentenced to State Prison; in 1976-77, 630 were sentenced. This dramatic increase occurred in a year in which the number of adult felony arrests remained constant. The increase is significant in that the number of persons originally charged with felony offenses in Municipal Court decreased by 12%, due to changed charging practices. The reduction reflects an attempt to file charges at the most appropriate level and thus avoid overcharging.

A comparison of the first full fiscal year (1976-77) of the present administration with the last full fiscal year (1974-75) of its predecessor clearly shows that the administrative reorganization has had an effect in the way cases have been processed. Felony arrests have decreased by 7% while the initiation of felony charges has decreased by 24%. Yet the number of defendants "held to answer" felony criminal charges in Superior Court has increased by 11%. This commitment to strong, diligent prosecution resulted in 33% more defendants pleading guilty and a 111% increase in jury convictions. Serious sentences (State Prison, CRC, and CYA) have increased 66%. Most significantly, the number of State Prison commitments increased by 80% in 1976-77 over 1974-75, even though felony arrests decreased by 7%. Clearly, the initiation of the felony team system and no plea bargaining policy in violent and fear inducing felony cases have resulted in changed odds for criminal defendants. Of particular significance is the number of prison commitments as a



percentage of felony arrests, 6.3%, in 1976-77. This is three  
times the Statewide percentage of 2.3%.





1975 - 1976

## SELECTED CRIME BREAKDOWN

CHARGE	1	# OF CASES	2	STATE PRISON	CYA	CRC	COUNTY JAIL	PLED GUILTY	# JURY TRIALS	COURT DISMISSAL
All	1975	2689		397	66	219	1079	1766	127	515
Charges	1976	2875		485	76	224	963	1917	170	602
§ 211	1975	280		79	22	13	95	188	26	53
Robbery	1976	305		84	30	17	93	203	26	68
§ 245	1975	199		39	3	3	91	128	21	20
ADW	1976	247		41	4	0	92	144	16	55
§ 261	1975	25		4	2	0	7	13	5	4
Rape	1976	36		30	0	0	1	18	15	3
§ 459	1975	441		72	18	69	186	336	10	53
Burglary	1976	655		123	30	86	253	513	25	12
§ 187	1975	43		22	2	0	2	16	10	6
Murder	1976	39		24	0	0	1	10	15	4
§ 487	1975	113		10	5	6	61	75	6	17
Grand Theft	1976	165		11	4	11	89	124	10	26

1 In cases involving multiple charges on a single defendant, only the highest charge on which a sentence was rendered was counted. All other charges were omitted.

2 In cases with multiple defendants, each defendant's case has been counted.

3 Dispositions do not include remands, commitments to the State Hospital (either by reason of inability to stand trial or not guilty by reason of insanity), or mentally disordered sex offenders.



SAN FRANCISCO  
FELONY DISPOSITION STATISTICS

	<u>FY</u> <u>73-74</u>	<u>FY</u> <u>74-75</u>	<u>FY</u> <u>75-76</u>	<u>FY</u> <u>76-77</u>
Felony Arrests (adults over 18) <sup>1</sup>	10008	10732	9966	9974
Felony defendants accused in Municipal Court <sup>2</sup>	6761	6265	5404	4768
Number accused in Superior Court <sup>3</sup>	2769	2384	2649	2638
Convicted after plea of guilty <sup>4</sup>	1879	1685	1798	2248
Convicted after jury trial <sup>4</sup>	87	74	143	156
Juries sworn <sup>3</sup>	175	174	212	218
Sentenced to State Prison <sup>4</sup>	336	349	393	630
Committed to California Youth Authority (adults) <sup>4</sup>	51	58	69	84
Committed to California Rehabilita- tion Center (Narcotics addiction) <sup>4</sup>	226	148	248	208
Sentenced to County Jail (without probation) <sup>4</sup>	20	21	50	49
Granted probation (including County Jail) <sup>4</sup>	1365	1374	1224	1552

- 
1. San Francisco Police Department, CABLE Reports
  2. Municipal Court Clerk, Municipal Court Summary Report
  3. Administrative Office of the Courts, Superior Courts  
recapitulation
  4. San Francisco County Clerk, Statistical Report





# FELONY DISPOSITION STATISTICS

	<u>FY 1975-76</u>	<u>FY 1976-77</u>
Felony arrests (adults over 18) <sup>1</sup>	9966	9974
Felony defendants accused in Municipal Court <sup>2</sup>	5404	4768
Dismissals in Municipal Court <sup>2</sup>	1222	1123
Bound over (held to answer) to Superior Court <sup>2</sup>	2059	2250
Plea of guilty in Municipal Court: felony <sup>2</sup>	142	234
Plea of guilty in Municipal Court: misdemeanor <sup>2</sup>	994	472
Number accused in Superior Court (by information or indictment) <sup>3</sup>	2649	2638
Probation Revocation Hearings in Superior Court <sup>3</sup>	2276	3435
Dismissal in Superior Court before trial <sup>3</sup>	256	269
Dismissal or acquittal in Superior Court after trial <sup>3</sup>	27	17
Felony conviction after trial <sup>3</sup>	191	195
Pretrial settlement conferences <sup>3</sup>	1441	1172
Sentenced to State Prison <sup>4</sup>	393	630
Committed to California Youth Authority <sup>4</sup>	69	84
Committed to California Rehabilitation Center (narcotics addiction) <sup>4</sup>	248	208
Sentenced to County Jail (without probation) <sup>4</sup>	50	49
Granted probation (including County Jail) <sup>4</sup>	1224	1552

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## Municipal Court Section

The Municipal Court Section is comprised of prosecutors whose duties involve the issuance of arrest and search warrants, the screening of charges initially filed by police or persons arrested for misdemeanors (or for felony charges which have been reduced to misdemeanors), the presentation of evidence in some felony preliminary hearings, and the prosecution and disposition of misdemeanor cases in Municipal Court.

Municipal Court Attorneys also prepare complaints, handle arraignment calendars, and prepare and argue pretrial motions (to suppress evidence, to modify or revoke probation, and for discovery). These attorneys also, on occasion, conduct complaint hearings to screen the issuance of warrants.

Misdemeanor prosecutions present a tremendous challenge. While individual cases are generally less serious than felonies some are quite serious and by virtue of their numbers represent a substantial crime problem.

Local court rules dictate that a subject arrested prior to 5:00 A.M. will be arraigned on the same court day. Local court conditions dictate that this office cannot prosecute all misdemeanors to trial. Specifically, an average misdemeanor trial takes two to three days. Therefore, at a maximum, two misdemeanor jury trials can be held in a given court in a given week. Since there are no more than eight misdemeanor trial courts available in a given week, no more than 800 of the



20,000 misdemeanor cases brought each year can be tried. Thus misdemeanor deputies are faced with the situation of having to process a large number of cases in very little time, often making the decision whether to prosecute on insufficient information.

This administration's first priority has been to improve felony prosecutions. As that effort bears fruit, attention will have to shift toward misdemeanor prosecution. The task will be to properly staff the misdemeanor teams and to support them with clerical staff and information systems that will make their jobs more efficient and productive.

Misdemeanors, because of their volume, substantially affect this City's quality of life and left unchecked are a major detriment to the social and economic life of the City. They cannot be and are not viewed as unimportant prosecutions.





MISDEMEANORS IN MUNICIPAL COURT

	<u>FY 1975-76</u>	<u>FY 1976-77</u>
Defendants Accused		
Penal Code Violations	11,001	10,691
Local Ordinance, Violations	4,340	2,451
Infractions	892	3,752
Vehicle Code (hit and run, driving under the influence, reckless driving with injury, traffic felonies reduced pursuant to P.C. Section 1764	5,482	5,326
All Other Traffic Violations	<u>2,419</u>	<u>2,153</u>
TOTAL	24,134	24,373
Juries Sworn	167	172
Motions to Suppress	250	385
Pretrial Settlement Conferences	6,797	7,870
Probation Hearings	1,156	1,477

Source: Clerk, Municipal Court, Summary Report 2A



### Special Prosecution Unit

The investigation and prosecution of cases involving sophisticated, systematic and organized criminal activity (with special emphasis on corruption in government) is now conducted by a team of investigators under the direction of two deputy district attorneys. A small unit to handle such cases was established in the Spring of 1976; it has been considerably augmented by a grant from the Law Enforcement Assistance Administration to establish a "Corruption Control Unit". The 18 month grant will commence in August, 1977 and employ an additional attorney, four investigators, and a stenographer.

The Unit's cases have included police corruption, embezzlement by government officials, certain political campaign reporting violations, and various extortion schemes. The Corruption Control Unit works in cooperation with the San Francisco Police Department's Intelligence and Special Investigators Units, the Federal Bureau of Investigation, the California Department of Justice, the U.S. Attorney's Office, and the Organized Crime Strike Force of the U.S. Department of Justice.





### Career Criminal Prosecution Unit

"Project Against Fear," the San Francisco District Attorney's Career Criminal Program, will begin on July 20, 1977 as a federally-funded prosecution campaign against the growing number of robberies and burglaries plaguing the City.

The funding is the result of a grant provided by the Law Enforcement Assistance Administration (LEAA) in the amount of \$296,659. These monies will fund a unit comprised of five veteran prosecutors and two investigators who work directly with the unit. Support personnel and various equipment and supplies will be provided through this Grant.

The program will place special emphasis on those defendants whose records indicate they are making a career of robbery or residential burglary. The Program has as its hallmark intensified prosecution designed to remove these repeat offenders from the streets and into State Prison.

Prior criminal record provides the objective criterion whereby the "career criminal" is designated for prosecution by the Program. Once so identified, the career offender finds his case screened for speedy and concentrated handling by the veteran prosecutors and their support staff. Lowered caseloads, additional time and resources applied to these cases improve the quality of investigation, the quality of evidence and consequently, the quality of the prosecution. This in conjunction with a policy of no "plea bargaining", and the demand for State Prison in all cases, insures that the convicted robber or burglar will almost always incur lengthy incarceration.



Development of closer liaison with the investigative and patrol units of the Police Department will result in cases which are better prepared from the outset and more likely to be won in court. A policy of educating the component areas of the criminal justice system (police, prosecution, judiciary, and defense) as to the practices and goals of the Career Criminal Program will assure enhanced awareness and success.

The rationale for concentrated prosecution of the recidivist offender stems from studies indicating that the repeat offender will commit, on the average, 20 crimes per year. Since relatively few of these crimes will be solved, the incarceration of such an individual will result in the reduction of the overall number of crimes committed in the community.



## Juvenile Court Section

On January 1, 1977, a new juvenile justice law (AB 3121) took effect, drastically revising the role of the District Attorney in Juvenile Court. The new law grants the District Attorney the power to make original charging decisions and to appear and advocate sentencing dispositions. Under the previous law, charging decisions were within the province of the juvenile probation department and the District Attorney was permitted to appear to make sentencing recommendations only at the Court's invitation. Henceforth, the District Attorney will make charging decisions and sentence recommendations as a matter of right. Such powers should make for a more consistent policy in handling juvenile offenders. Juvenile offenders represent more than 30% of all felony arrests in San Francisco.

In recognition of the new powers conferred upon the District Attorney, experienced trial attorneys and two experienced investigators have been assigned to the Youth Guidance Center. Previously, Juvenile Court had been used as training area for less experienced prosecutors.

Juvenile commitments in Fiscal Year 1976-77 increased significantly from the previous year. In 1975-76, 344 juvenile offenders were committed to the juvenile ranches and 129 were committed to the California Youth Authority. In 1976-77, 370 juvenile offenders were committed to the ranches and 171 were committed to the California Youth Authority.





SAN FRANCISCO JUVENILE COURT STATISTICS

	<u>FY</u> <u>74-75</u>	<u>FY</u> <u>75-76</u>	<u>FY</u> <u>76-77</u>
New petitions filed (California Welfare and Institutions Code Section 601, incorrigibility, truancy, other status offenses)	612	343	222
New petitions filed (California Welfare and Institutions Code Section 602, criminal violations)	1258	1317	1365
Commitments to youth ranches	345	344	370
Commitments to California Youth Authority (new commitments, parole revocations)	125	161	171

Source: Juvenile Probation Department, research department



## INVESTIGATION

New emphasis has been placed on training and on professionalism of criminal investigators. The investigative bureau has been reorganized under the direction of a former career police detective. Regular investigative training classes and weapons qualification have been instituted. The scope of investigative work has been broadened considerably as investigations extend to areas heretofore not generally considered within the purview of investigators. Investigators have been involved in the full spectrum of investigative functions, from interviews to surveillance and arrests.





## VICTIM/WITNESS ASSISTANCE PROGRAM

A program to help crime victims receive compensation and supportive services and which explains to witnesses what they can expect from the criminal justice system will begin July, 1977. The program seeks to reinstill in victims and witnesses a faith in the criminal justice system by; providing referral to counseling, rehabilitation, and other social service agencies, assistance in applying for state compensation; assistance with transportation and child care; and information regarding court procedures, scheduling, and case disposition.

The program will be administered by the District Attorney's Office in conjunction with a Policy Committee which will oversee general policy implementation. The committee is comprised of the District Attorney, the Chief of Police, the Public Defender, the Chairperson of the Commission on Aging, the Chairperson of the Commission on the Status of Women, the President of the San Francisco Barristers Club, the Chairman of the Police, Fire, and Safety Committee of the Board of Supervisors, the General Manager of the Department of Social Services, and the Director of the Department of Health.

The program's initiation reflects a growing recognition that witnesses and victims often will not come forward to cooperate with authorities because of fear, inconvenience, delay, or insensitivity by the criminal justice system. By making the victim or witness as comfortable as possible, the



The project is funded by a Law Enforcement Assistance Administration (LEAA) grant, through the Mayor's Criminal Justice Council. It has three professional staff members and uses volunteers extensively.



## FAMILY SUPPORT BUREAU

The Family Support Bureau was created in January 1976 to comply with the federal and state laws charging the District Attorney with the responsibility of establishing and enforcing child support obligations in all cases where children are receiving welfare assistance and in any case when requested to do so by the custodial parent.

The remaining mandated functions produce revenue for San Francisco's general fund and reduce the cost of welfare to the City.

The custodial parent who is receiving Aid to Families with Dependent Children (AFDC) assigns his or her interest in the child support payments to the Department of Social Services. Money collected is then recovered against the welfare grant. Although this does not affect the amount of the grant received, it does reduce the government's cost in providing welfare payments.

A combination of federal and state money called Support Enforcement Incentive Funding (SEIF) is used to pay San Francisco a bonus for every dollar collected which can be recouped against a welfare case. This bonus ranges from 2.75% to 27.75% of the welfare recoupment and varies according to the residences of both the custodial and absent parents. Both parents do not have to reside within the same state as under the Uniform Reciprocal Enforcement of Support Act (URESA)





jurisdiction over the case can be transferred from state to state.

The federal government also reimburses San Francisco for 75% of the direct and indirect operating costs of both the Family Support Bureau and those Social Service employees engaged in child support activities. Finally, the state offsets 19% of the welfare recoupment against the county's share of AFDC costs.

In order to give Child Support Enforcement the tools to track down absent parents the federal government created the Federal Parent Locator Service (FPLS) and mandated each state to create its own PLS. The PLS has been granted access to various governmental records such as Social Security, unemployment insurance and so forth. Unfortunately, due to an avalanche of national publicity, the PLS has not been able to cope with the tremendous flow of requests for information. If the request must be forwarded from the state PLS to the federal level, it takes close to 18 months for a response.

The Bureau began fiscal year 1976-77 with 72 people on the payroll out of an authorized strength of 127. The continuation of a hiring freeze instituted in April 1976 caused this to ebb to a low of 64. The Bureau had requested a level of 135 people for 1976-77. The Mayor's Office reduced that request to 121. The level was further reduced by the Board of Supervisors to 104 positions.



In September 1976 the Board of Supervisors agreed to a restructured budget and the freeze was lifted. This led to a marked improvement in collections. From January through June 1976 the Bureau had averaged \$163,386 per month. In the first quarter of Fiscal Year 1976-77, this moved up to \$172,823 per month. In the succeeding quarters the average monthly figure went from \$209,960 to \$223,509 to \$257,197. This was due to a more stable work force which permitted adjustments to the work flow and reorganization of the operational units resulting in increased efficiency.

By November 1976 most of the staff vacancies had been filled. The San Francisco Civil Service Commission created the Family Support Investigator series and these people were hired on a permanent basis at the end of September. In January 1977 a new director was hired. These actions did much to reduce personnel turnover at the Family Support Bureau.

Operational problems with the Department of Social Services also diminished. There was a marked improvement in the referral process from DSS to FSB although problems still exist with referrals of persons who are having their grants renewed.

Compared to the last six months of 1975-76 there was a dramatic increase in welfare collections. From January to June 1976, the monthly welfare collection figure was \$68,880. This increased by 90.90% to an average monthly figure of \$131,490 during 1976-77. Welfare collections are of highest importance





to FSB since the bonus revenues are only derived from them. The City does not get a bonus for collecting non-welfare child support payments. There was also a substantial drop in the percentage of "Other and Unable to Identify" payments. These amounted to 11.86% of the total collections for the last year of 1975-76 but fell to 6.7% in 1976-77.

There was a 80.82% increase in the average monthly AFDC offset from the last six months of 1975-76 to the twelve months of fiscal year 1976-77. It went from \$9,851 to \$17,813.

#### COLLECTIONS STATISTICS

JANUARY 1, 1976 - JUNE 30, 1976

Welfare Collections	\$ 413,281	42.16%
Non-Welfare Collections	450,683	45.98%
Other & Unable to Identify	<u>116,244</u>	<u>11.86%</u>
Total Collections	\$ 980,208	100.00%

During this period the program cost was \$647,037 of which 476,599 was offset by the Federal Administrative Reimbursement.

#### COLLECTION STATISTICS

JULY 1, 1976 - JUNE 30, 1977

Welfare Collections	\$ 1,577,877	60.91%
Non-Welfare Collections	837,013	32.31%
Other & Unable to Identify	<u>175,581</u>	<u>6.78%</u>
Total Collections	\$ 2,590,471	100.00%

During 76/77 the program cost was \$1,522,116 which was offset by the Federal Administrative Reimbursement of \$1,135,569.



# REVENUE & AFDC OFFSET STATISTICS

JANUARY 1, 1976 - JUNE 30, 1976

Support Enforcement Incentive Fund (SEIF)	\$ 101,954
Uniform Reciprocal Enforcement of Support	
Responding (URES-A-R)	<u>7,400*</u>
TOTAL	\$ 109,354
Offset to County's Share of AFDC Cost	\$ 59,106

# REVENUE AND AFDC OFFSET STATISTICS

JULY 1, 1976 - JUNE 30, 1976

Support Enforcement Incentive Fund (SEIF)	\$ 297,854
Uniform Reciprocal Enforcement of Support	
Responding (URES-A-R)	<u>19,500*</u>
TOTAL	\$ 317,354
Offset to County's Share of AFDC Cost	\$ 213,347

\*URES-A-R monies are paid to San Francisco by other states who have requested that FSB enforce an order against an obligor who lives here but whose family lives in the other state. Unfortunately the federal URESA law does not provide any way for the enforcing state to collect its bonus money from the initiating state. The payment procedure has been set up through the State Department of Benefit Payments which has not developed a reliable tracking system. This money has been very slow to trickle in and FSB has been forced to estimate the potential revenue.





## CONSUMER FRAUD/WHITE COLLAR CRIME UNIT

The purpose of the Consumer Fraud/White Collar Crime Unit is to protect consumers and legitimate businesses from fraudulent business practices that affect the community as a whole. The Unit enforces California consumer laws through criminal and civil prosecution. It also offers mediation services to resolve individual consumer grievances.

The Consaumer Fraud/White Collar Crime Unit was reorganized in March, 1976. The staff of 27 currently includes eight attorneys, six prosecutors investigators, four complaint mediation investigators, one accountant, and support staff. This staff is supplemented by up to 30 interns at a time who contribute \$150,000 per year in free labor.

The Consumer Fraud Unit is divided into complaint mediation and prosecution sectons. Complaint mediation is a new function in the District Attorney's Office. The establishment of such assistance was necessary because no other local government agency handles individual consumer complaints. At little cost to the taxpayer because much of the work is performed by volunteers from area law schools and universities, the Consumer Fraud Unit responds to, investigates, and mediates over 300 consumer complaints each month. These services provide a low-cost effective way of resolving disputes which avoids lawyers, litigation, and the courts, and have been successful in recovering approximately



The purpose of the American Medical Association is to protect and advance the interests of the medical profession and the public. It is a non-profit organization, organized in 1847, and has since that time been engaged in a continuous effort to improve the medical profession and the public health. The association has a long and distinguished history, and its efforts have been recognized by the public and the government. It is a member of the United Nations, and its work is of international importance.

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\$7,000 per month. Matters that are not appropriate for mediation are handled by the prosecution section.

The Unit has experienced dramatic growth in the last two years. From fiscal year 1974-75 to fiscal year 1976-77, there has been a 155% increase in the monies recovered by mediation and a 590% increase in monies received from litigation. Consumer confidence has also apparently grown dramatically, as the number of persons bringing complaints for resolution to the District Attorney's Consumer Fraud Unit has more than doubled over the same period.

#### Complaint Mediation

Since the Unit began in early 1976, it has received approximately 5,000 complaints. In many instances, individual complaints are quickly resolved with just a few telephone calls. Other complaints, however, may take weeks of careful research and persistent follow-up before a satisfactory resolution is obtained. The spirited efforts of the mostly volunteer complaint resolution staff resulted in recovery of approximately \$100,000 during 1977 for San Francisco consumers, an amount which represents cash refunds as well as the dollar value of goods and services received.

The Consumer Fraud Unit staff has contacted over 100 community groups to ensure that all segments of the community know about the District Attorney's mediation and referral services. A new facet of the outreach effort is a series of workshops on "How to Proceed in Small Claims Court."

100,000 for the year 1955 and 1956.

The following table shows the results of the investigation.

The first two figures show the results of the investigation in the first two years. The third figure shows the results of the investigation in the third year. The fourth figure shows the results of the investigation in the fourth year. The fifth figure shows the results of the investigation in the fifth year. The sixth figure shows the results of the investigation in the sixth year. The seventh figure shows the results of the investigation in the seventh year. The eighth figure shows the results of the investigation in the eighth year. The ninth figure shows the results of the investigation in the ninth year. The tenth figure shows the results of the investigation in the tenth year.

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Along with improving the efficiency of its complaint intake system and providing outreach services, the Unit has been involved in a pilot computer program sponsored by the California Department of Consumer Affairs. The complaint resolution complaints are recorded on computer forms. Data from these forms will be made available to help consumer protection agencies throughout California. In this way, information and research done by these agencies will be more effectively shared and efforts more successfully coordinated. The program is expected to have far-reaching consequences in combating consumer fraud in California.

#### Complaint-Mobile

To bring the services of the Consumer Fraud Unit to citizens in their own neighborhoods, the District Attorney will initiate a consumer "Complaint-Mobile" project in July, 1977. Staffed by bilingual law students and volunteers, the Complaint-Mobile will travel to publicized neighborhood sites throughout San Francisco, including the Mission, Chinatown, Sunset, Bayview-Hunter's Point, and the Richmond.

The Complaint-Mobile is designed to respond effectively to complaints of all San Francisco residents, but particularly the elderly and low-income residents, many of whom lack mobility and cannot come to the Hall of Justice, or who are unaware of the Unit's services.







## Litigation

While volunteer workers mediate individual consumer complaints, the legal and investigative staff of the Consumer Fraud/White Collar Crime Unit has pursued a number of cases with the goal of educating the public and of providing a therapeutic effect in the marketplace. The suits filed by the Unit demonstrate that the District Attorney is willing to enforce the law against all violators, powerful or small. As a result of civil and criminal cases filed in fiscal 1976-77, the Unit recovered restitution totalling \$264,333 for consumers and was awarded \$369,599 in penalties, costs, and fines.



CONSUMER FRAUD/WHITE COLLAR CRIME UNIT

COMPARISON OF STATISTICS

<u>Awarded:</u>	<u>FY 74-75</u>	<u>FY 75-76</u>	<u>FY 76-77</u>
Fines, Penalties, Costs, Restitution	\$166,288	\$141,295	\$633,933
Restitution--Court-Ordered Only	n/a	\$ 47,094	\$264,334
<u>Collected:</u>			
Fines, Penalties, Costs, Restitution	\$ 65,983	\$ 53,736	\$389,532
Restitution without Court Action (Mediation)	\$ 49,715	\$ 61,805	\$ 76,998
Complaints Received	1,366	1,437	3,016



## Elections Code Violations

Numerous violations of Election Code provisions by non-residents came to light as a result of investigative reporting prior to and during the 1975 election campaign (November-December 1975). Prosecutions of such violations were held in abeyance until April 1976 when a special three judge U.S. District Court determined that it was not going to intervene to prohibit prosecution.

Thereafter the District Attorney's Office announced that it would prosecute as felonies all violations of Election Laws which occurred in November and December of 1975, but that, because of conflicting and misleading opinions by public authorities regarding the propriety of non-resident voting, non-resident voters who refrained from voting in 1975 would not be prosecuted for previous elections.

One full-time principal attorney, two part-time volunteer attorneys, and two full-time criminal investigators worked exclusively on voter fraud investigations from April until December, 1976. In the process, preliminary investigations were done on more than 1,600 persons. These preliminary investigations involved interviews or telephone inquiries of witnesses and suspects, as well as contacting various agencies such as county assessors (for homeowners' claims of exemption), P.G.&E., and Pacific Telephone (utility use claimed in "residence"), as well as the Department of Motor Vehicles





(driver's license and automobile registration addresses). In addition, investigators reviewed documents (e.g. Revenue Directories, the Secretary of State's D.M.V.-Voter Registration Computer print-out) for more than 9,000 individual situations.

The investigation resulted in felony charges being filed against 45 persons, 40% of which resulted in conviction and the remainder in dismissal. Misdemeanor charges were filed against two deputy registrars (an anomaly in the Elections Code makes illegal acts by registrars prosecutable only as misdemeanors.)

In addition to the unusually large problem of voter fraud and registration irregularities faced during this period, the District Attorney's Office embarked upon its newly legislated duties in the area of campaign practices and spending reform.

Under the terms of the Political Reform act of 1974 (Prop. 9) the District Attorney became the primary prosecutor of criminal violations of the Act, having concurrent prosecution authority with the Attorney General. Political campaign reporting irregularities are frequently referred by the Registrar of Voters to the District Attorney for investigations and possible action. Additionally, the District Attorney was designated the "Enforcement Authority" for the Municipal Election Campaign Contribution Control Ordinance enacted by the San Francisco Board of Supervisors in March of 1976. As such, this office must now review all campaign contribution expenditure reports filed by candidates and committees in Municipal elections.



## A STRONGER GUN POLICY

The personal possession of unlicensed, concealable firearms by a first offender is a misdemeanor offense which is prosecuted in the over-worked Municipal Court. After considerable review, it was determined these cases were being treated too casually and that sentences in most cases were much too lenient.

The District Attorney's Office policy has been revised in an attempt to reverse the trend; since November, 1976, it has been the policy of the office that it will demand on the record two to six months jail time, for persons convicted of illegal possession of firearms.

Additionally, in all felony cases the use or possession of a weapon during the commission of a felony is being consistently charged as a sentencing enhancing factor. The District Attorney's Office is vigorously objecting to the striking of enhancing clauses at the time of sentencing.





## PSYCHIATRIC COURT

The primary functions of the psychiatric court deputies are as follows: 1) to represent the People in conservatorship and ancillary proceedings as required by Welfare and Institutions Code Section 5114; 2) to investigate allegations that persons are mentally disordered or addicted to narcotics or other habit forming drugs and, when appropriate, to take action under applicable Penal or Welfare and Institutions Code provisions; and 3) to interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, chronic alcoholism, and drug addiction.

Conservatorship proceedings (under the Lanterman- Petris-Short Act) are instituted to provide care, supervision, and, where appropriate, institutional commitment for persons who, as a result of mental disorder, are unable to provide for the basic personal needs of food, clothing or shelter. Conservatorship is often opposed by patients, either by a contested hearing, a writ of habeas corpus, a jury trial on the issue of "grave disability," or by a review hearing. The People are charged with the responsibility of presenting evidence to support the recommendations of psychiatrists and conservatorship investigators that a conservator is needed to assist a patient in providing for basic needs.



General citizen complaints concerning mental illness, alcoholism and drug addiction are investigated by a psychologist employed as a psychiatric investigator in the District Attorney's Office. In addition to his duties with the public, he assists with investigation and preparation of cases where a psychiatric background is shown. In misdemeanor cases where defendants, because of their mental condition, have been diverted from the normal channels of the criminal justice system to hospitals or local psychiatric facilities, detailed follow-up investigation is conducted by the psychiatric investigator. Additionally, the investigator assists in investigations to locate relatives or other interested persons who are willing and able to assume responsibility for the patient and arrange private psychiatric care or hospitalization without the necessity of court proceedings.



PSYCHIATRIC DIVISION OF THE SUPERIOR COURT

	<u>1975-76</u>	<u>1976-77</u>
Notices of certification filed (14-day intensive treatment)	581	541
New petitions for conservatorship filed (does not include renewals)	403	450
Conservatorships granted	180	172
Writs of Habeas Corpus filed	n/a	54

Source: Clerk, Superior Court Psychiatric Division





## TRAINING

During fiscal 1976-77, the District Attorney's Office established, pursuant to an LEAA grant, an on-going training program for both deputy district attorneys and for criminal investigators. Made possible by a grant from the Mayor's Criminal Justice Council, the program permitted the hiring of a training officer to assist attorneys in courtroom procedures and techniques. Additionally, the training officer began a policy and procedures manual for attorneys. In the past, no attempt had been made to establish routinized procedures codified in one source. The training officer has also given extensive lectures on search and seizure and related legal subjects in the Police Academy to cadets beginning their careers as police officers. Weekly updates on recent appellate decisions, as well as other changes in the law, are not provided for attorneys in videotape presentations. Attorneys now also receive weekly briefs of all reported criminal and evidentiary decisions through the California District Attorneys Association.

Increased office participation in seminars (tuition for which is usually supported by the Law Enforcement Assistance Administration) on various subjects (such as forensic sciences, family support, organized crime and economic crime) has been encouraged. Similarly, basic prosecutor courses conducted by the California District Attorney's



Association or by the National College of District Attorneys have been utilized with increasing frequency.

In-service training programs for investigators have been developed in the Family Support Bureau to maximize collections and to encourage efficient case management. Regular weapons qualification and training have also been instituted for investigative personnel involved in criminal cases.





## ARBITRATION AS AN ALTERNATIVE

In September of 1976, the San Francisco District Attorney's Office in conjunction with the American Arbitration Association initiated a pilot program which utilized arbitration to resolve minor non-violent misdemeanor complaints. Arbitration is often more advantageous than the criminal process because a settlement agreement constitutes a binding contract which often provides more flexibility in providing a solution to a dispute, particularly in cases involving nuisance, animals, landlord-tenant conflicts and certain disturbing-the-peace cases.

The program focuses on disputes arising from situations where the parties have some relationship, for example, as neighbors or co-workers. Designed to reduce the need for arrest and prosecution in minor, time-consuming types of cases, the arbitration concept seeks to provide a voluntary constructive means of resolving the conflict, thereby lessening the likelihood of repetition or escalation into more serious incidents.

The program has been conducted at no cost to the participants or taxpayers; from the time of its inception, it has provided the many citizens who have elected to avail themselves of its services with a speedy and effective voluntary alternative to formal and expensive criminal litigation.



During fiscal year 1976-77, the program was referred 125 cases by the District Attorney's Office. No action was taken in 68 cases; positive action was taken in 50 cases, 23 of which were settled before hearing. Twenty-seven hearings were held; of those 17 resulted in mutual agreement, and 10 resulted in an arbitrator's decision in favor of one party.



## WELFARE FRAUD PROSECUTIONS

Pursuant to state welfare regulations the San Francisco Department of Social Services is required to report to the District Attorney all cases of suspected fraud in the City's social welfare programs. These programs include Aid to Families with Dependent Children (AFDC), Food Stamps, Medi-Cal, and General Assistance (G.A.). Thefts and forgeries of City warrants (checks) are also prosecuted locally. Cases of suspected fraud or theft are investigated by the District Attorney's Office with the assistance of personnel assigned to fraud investigation by the Department of Social Services and the San Francisco Police Department. Additional assistance is provided by the U.S. Postal Inspection Service. Fraud and check theft investigation reports are then screened by an assistant district attorney and, where deemed appropriate, felony or misdemeanor charges are filed against the suspect or suspects.

Social welfare crime is complex and is frequently the result of factors completely beyond the control or regular law enforcement. Effective detection and prosecution of welfare fraud offenders continues to require maximum cooperation between a multitude of local, state, and federal agencies.





## BAIL BOND COLLECTIONS

As a collateral aspect of criminal prosecution work, the Office of the District Attorney secures civil judgments against insurable companies which have issued bail bonds guaranteeing the appearance in court of criminal defendants who subsequently failed to appear.

	<u>FY 74-75</u>	<u>FY 75-76</u>	<u>FY 76-77</u>
Summary judgments	21	23	27
Collected	\$99,500	\$52,100	\$70,500
Uncollected pending appeal by City Attorney	\$21,500	\$15,000	\$18,000



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ANNUAL REPORT TO MAYOR

**DISTRICT ATTORNEY**



**SAN FRANCISCO**

Submitted by

JOSEPH FREITAS, JR., DISTRICT ATTORNEY

July 1, 1977 - June 30, 1979





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## INTRODUCTION

This report, which covers the period from July 1, 1977 through June 30, 1979, is the last report of the District Attorneys Office which clearly reflects the product of my administration. I view it with pride and the knowledge that the People of San Francisco have been well served.

Much of this Administration's work will endure. One of my greatest personal pleasures has been to appoint bright, dedicated and energetic professionals as Deputy District Attorneys. We have broken racial, ethnic and sex barriers to hiring and promotion and now have a staff which more closely reflects the community we serve.



We have ventured into areas never before envisioned by a San Francisco District Attorney. We pioneered what is now San Francisco's only consumer protection office; the Consumer Fraud Unit. We brought into San Francisco \$2,808,878.00 in State and Federal grants to establish the following projects: The Victim/Witness Assistance Project, a Family Violence Project, an Integrated Police-Prosecutor Witness Assistance Project, the Career Criminal Prosecutions Project, the Special Prosecutions Unit, and the Arson Task Force.

Through these projects we have delivered needed services to victims of and witnesses to violent crime. We have demonstrated the effectiveness of specialty prosecution teams, and we have shown that public and private people with power need watching in San Francisco no less than in other major cities. We have been instrumental in the formation and funding of an Arson Task Force which is achieving a national reputation for its innovative organizational structure and its strong prosecutor involvement.

These projects have altered the perception of the District Attorney's role, and have created the expectation that prosecution can be tough, even-handed and fair. There is no going back.





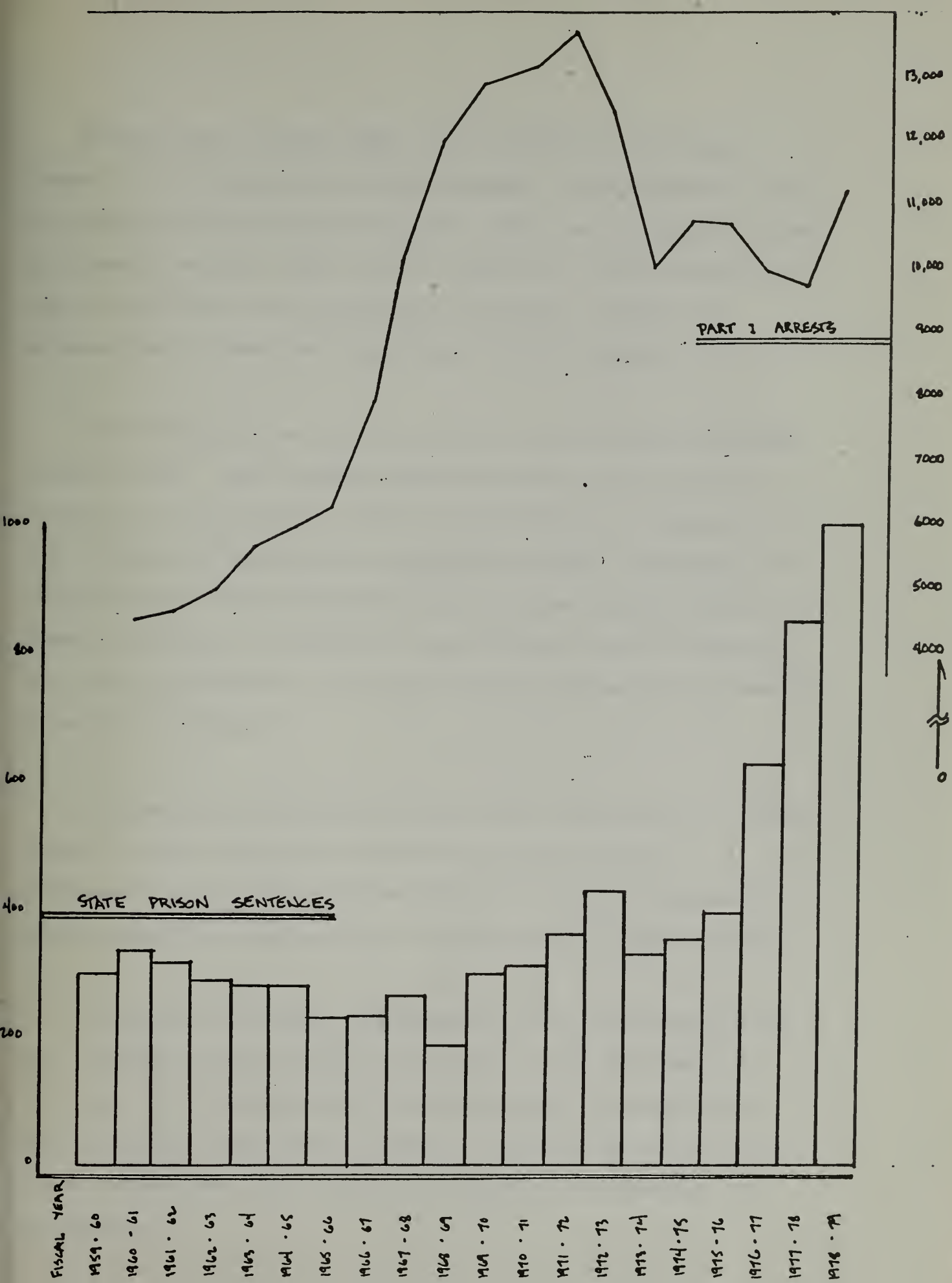
I have been most pleased with our record in prosecuting serious felons. We have, over the past four years, increased State Prison commitments by 2 1/2 times to a level more than twice that of any year in the last twenty. The chart which follows demonstrates this most graphically.

This record is the product of several factors including the determinate sentencing law (SB 42). But most notably it is the product of taking serious crime seriously and organizing to prosecute serious crime most effectively.

I leave this office in much better shape than I received it. My successors in office will have to fight hard, however, just to retain past advances. Much of our progress has been purchased at taxpayer expense and the financial pressure on the office through the eighties will be intense. This pressure will attack both staffing levels and prosecution policy.

There is and will continue to be financial pressure from the State to limit the number of State Prison commitments from San Francisco. The unfortunate fact is, however, that there are a lot of people for whom there is no other socially responsible alternative. My successors will have to resist such pressure unless or until realistic and responsible alternatives can be developed.









Ninety three percent (93%) of the District Attorney's budget is for personnel related expenses. Thus, whatever level of funding is maintained during the '80's, we are going to have to closely evaluate what kinds of cases the office prosecutes, how we distribute the prosecution workload, and how the prosecution process can be made less labor intensive.

The most promising single area for revision is misdemeanor prosecutions. Most misdemeanors are serious only in their frequency of occurrence. 58% of all misdemeanor arrests are for offenses so minor that no permanent record (rap sheet) is kept of them. Most misdemeanants are either chronic and do not benefit from their exposure to the criminal justice system or are one time offenders who do not recieve and would not benefit from jail sentences.

Misdemeanor prosecutions are not very "successful" criminal cases in that roughly two thirds of all non-traffic misdemeanors are either refused for prosecution, dismissed or given credit for time served in exchange for a plea of guilty.

The fact is that most misdemeanors could be diverted from the criminal process without detriment to the defendants or society. It is imperative that alternatives to prosecution exist and that the system is able to identify and divert such cases before they are referred to the District Attorney for prosecution.



Misdemeanor prosecutions are expensive, and alternatives to criminal prosecution would have significant cost reduction benefits for the District Attorney, Public Defender, Courts, and Sheriff.

By making adjustments to the misdemeanor process we can preserve resource for the prosecution of more serious cases. It is none the less true, however, that felony deputies are both our most valuable and costly resource. Their time must be made as productive as possible. We must look carefully at the expenditure of their time, and consider the increased use of secretarial and paralegal assistance where that can result in cost reduction.

Numerous studies have shown, and our own experience confirms, that rigorous screening of felonies at the rebooking stage is an effective method of preserving prosecutor resource. We also know that by not swamping our deputies with bad cases they will be more effective on the good ones. While it seems paradoxical, and is politically difficult, we must resist the temptation to mindlessly prosecute all felony arrests. The commitment rate already mentioned speaks eloquently to this point.

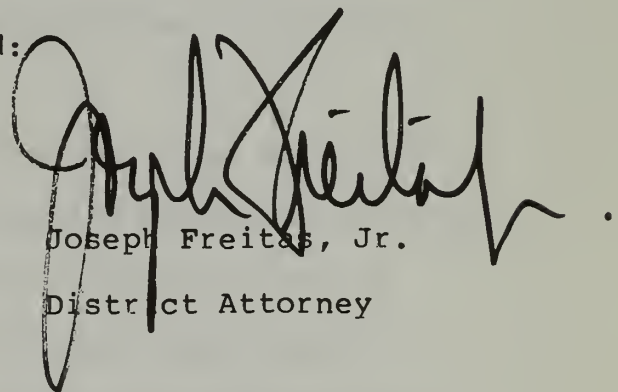


Finally, the District Attorney must not become party to the Proposition 13 mentality. The District Attorney is a peace officer and an attorney. He is not a bureaucrat or an accountant. He cannot accept the concept that the public is better served with fewer prosecutors. Over the past four years I have fought hard for additional staff and have demonstrated their effectiveness. My successors cannot allow this strength to be chipped away.

I have enjoyed the past four years and welcomed the opportunity to serve the People of San Francisco. I return to private practice with the satisfaction of knowing that they were served well.

Dated: January 4, 1980

Signed:

A handwritten signature in black ink, appearing to read "Joseph Freitas, Jr.", with a large, stylized initial "J" and a long, sweeping horizontal stroke at the end.

Joseph Freitas, Jr.

District Attorney





## Duties of the District Attorney

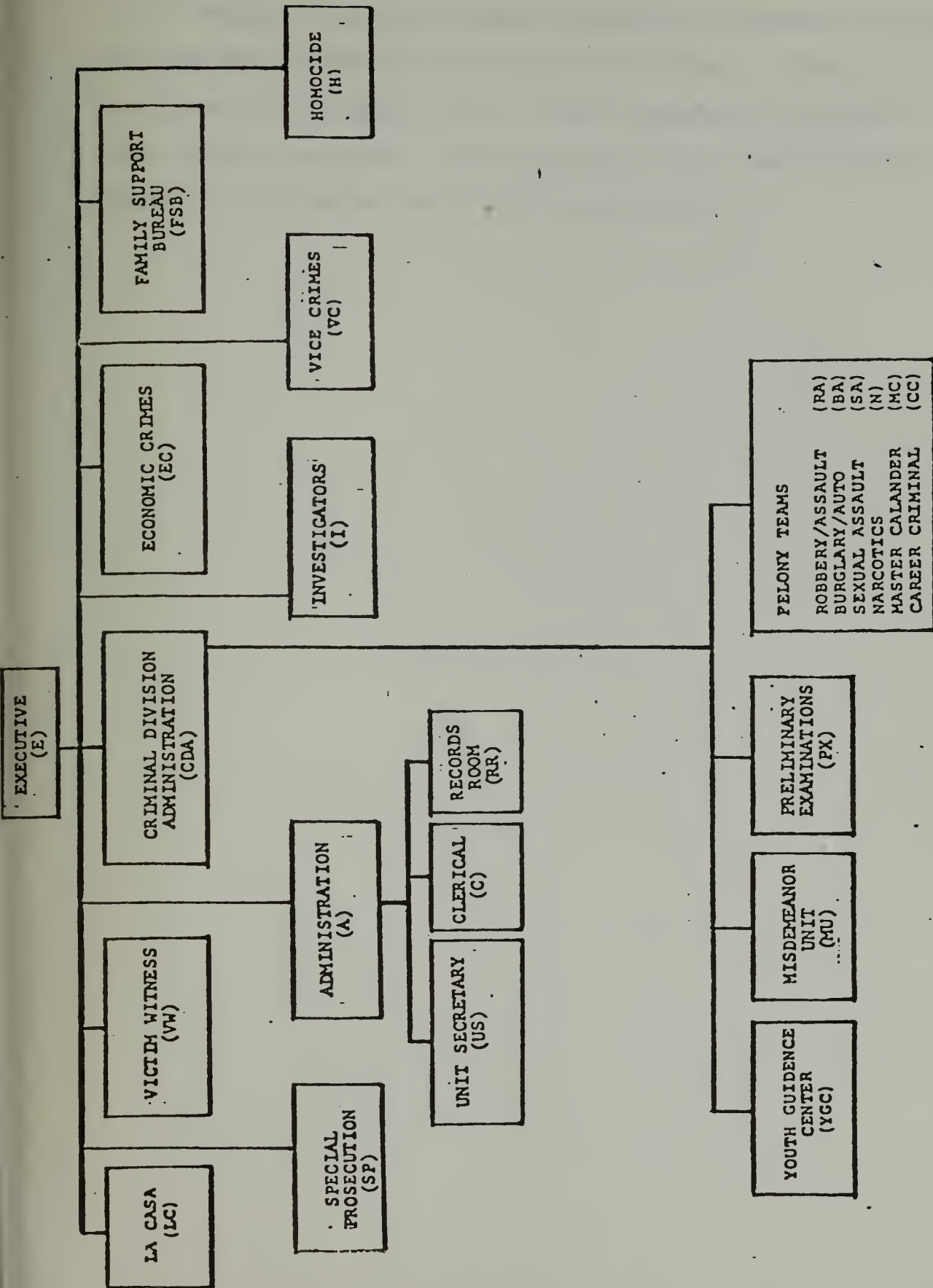
The District Attorney is charged with the responsibility of prosecuting public offenses committed within the boundaries of the City and County of San Francisco.

Prosecution by the District Attorney's Office is not limited to the presentation of evidence in a court of law. The overall prosecution of a criminal case includes criminal investigation, grand jury inquiries, conferring on legislation and drafting new legislation, advising law enforcement officers and involvement in other criminal proceedings such as search warrants, arraignments, preliminary hearings, pretrial motions (demurrers, motions to suppress, etc.) pretrial conferences, sentencing recommendations, and motions to revoke grants of probation.

Additionally, the District Attorney has duties in mental health commitments, consumer protection, family support (collection of civil judgments ordering an absent spouse to pay support for his children/family), juvenile prosecutions, and election and campaign law enforcement.

In order to execute his responsibilities in an effective and efficient manner, the District Attorney's Office is divided into seven major divisions. The largest division by far is Criminal Prosecutions which in turn is broken down into four major sections. This organization is depicted graphically on the following page, and each division and major section is reported on separately in the material that follows.









Several of the District Attorney's most important duties do not require sufficient staff to warrant a separate division and thus do not show on the organization chart. These functions are assigned to one or more deputies in addition to their regular workload. These functions are also discussed separately following the divisional material.



## FELONY PROSECUTIONS

Felony prosecutions are this office's first priority. It is important to the maintenance of this city's moral fiber that criminals who commit the most serious crimes be prosecuted vigorously.

It is not possible for the District Attorney to take all felony cases to trial. There are not enough courts, judges and Deputy District Attorneys to do it.

Trial, by court or by jury, is a constitutionally protected right of all Americans. Moreover, trial is an important method of resolving cases where there is doubt about a defendant's guilt or innocence. However, trial is not the usual way of disposing of criminal cases. Most cases are disposed by plea of guilty or by dismissal after both sides have thoroughly reviewed the evidence and other factors such as the availability of witnesses which effect the strength of a case.

Such negotiated settlements are necessary and work to the economic benefit of the People and the defendant. They are bad only if they fail to do justice.

The only way to protect the interests of justice is for all parties to the negotiation to work from a position strength. The defendant's interests are represented by the Private Bar or the Public Defender. The People's interests are represented by the District Attorney.



In January 1976, the District Attorney's Office was reorganized in order to strengthen our representation of the People's interests. This reorganization was supported by tougher prosecution policies. The results have been dramatic.

In January 1976, the Superior Court Section was reorganized into several felony teams, to each of which was assigned to the prosecution of certain categories of crimes (e.g., homicide, burglary, etc.). The prosecutors in each team were given responsibility for handling cases from initial charging to the ultimate disposition by plea or trial. This method of case assignment is called vertical representation. Vertical representation ensures individual accountability for case disposition, accuracy of initial charges, case continuity, technical competence, and investigative cooperation with the police inspectors.

Simultaneous to the above reorganization, this office ceased the practice of over-charging felonies. Prior District Attorneys had sometimes filed felony charges based on felony arrests without critical review of a case's merits. They believed that this made them look tough, and allowed them to blame the courts when cases which were improperly charged as felonies were, inevitably, dismissed. Their practice was mistaken, very expensive, and ineffective.

It is the District Attorney's policy to prosecute a case as a felony only if the facts and the evidence will support a felony conviction. Felony arrests which cannot stand up in





court are reduced to misdemeanors or are rejected immediately, rather than being left to die a slow, time consuming and expensive death.

This is a policy which is recommended by the American Bar Association, the National Association of District Attorneys, and which is dictated by a sense of simple justice. In addition, it forces the Police to do better investigations and creates an atmosphere where felony prosecutions are taken seriously.

The results are seemingly paradoxical, but make sense on inspection. According to the Department of Justice Bureau of Criminal Statistics, in 1978 San Francisco had one of the highest rates of felony arrest rejections and, at the same time, one of the highest rates of obtaining State Prison sentences on felony arrests in the State.

The fact is that by eliminating cases that should not be charged as felonies at the outset we preserve our resources to prosecute violent and serious felonies to conviction and to take on tough cases that are basically sound but which require a lot of work.

Defendants and Defense Attorneys know that when this office files felony charges, those charges are supported by the facts and will be prosecuted by a team of experts.

It is also the policy of the District Attorney that in violent or fear inducing crimes we will accept a plea of guilty to only the most serious charge. Defendants and defense



attorneys know that they can't coerce the District Attorney into accepting a plea of guilty to a lesser charge by demanding a trial. We are prepared and willing to go to trial in all such cases.

It should be pointed out that during the past 3 1/2 years the staff of criminal attorneys has increased by 50%. In spite of that hard-won increase, Bureau of Criminal Statistics figures for 1978 show San Francisco to have the highest number of felony dispositions per attorney of any major California county. Given the realities of Proposition 13, it is crucial that a prosecutor know how to manage his office in the most cost effective way.

Our case management practice has been most effective. This fact is demonstrated by the table of Felony Disposition Statistics and the graph of felony arrests and State Prison sentences which follows.

The most significant single measure of success is the increase in cases receiving state prison sentences. During the past 3 1/2 years this number has increased by 2 1/2 times, to a level more than twice that of any year in the past twenty. This reflects an increase in both the number of convictions and the quality of convictions.

It is interesting to note that the number of defendants pleading guilty to felonies has also increased. Many of these defendants plea guilty knowing that they will be sentenced to state prison. This is the most dramatic evidence possible





that this office has achieved a position of strength over the past 3 1/2 years.

Not all felons receive state prison sentences. In many cases it is more appropriate that they receive some amount of time in the county jail and a significant term of probation. The message to the felon is this, "if you can stay in the community and alter your lifestyle, we will take no additional adverse action". When used properly, probation is an opportunity to maintain family and community ties and for self-rehabilitation.

If conditions of probation are not enforced, however, probation becomes a mere formalism and is tantamount to forgiveness.

Starting in 1976, this office increased by more than 50% the number of Motions to Revoke filed on felony probationers who were re-arrested. This effort is important for the protection of San Francisco and in order to make probation a substantive and reasonable alternative to prison.

The San Francisco District Attorney has been a leader in pioneering more effective programs for criminal prosecutions. The above organization and policies have been adopted by the National District Attorney's Association as their recommended practice. In addition, the District Attorney has attracted \$1,606,039.00 in state and federal funding for programs targeting Career Criminal (robber and burglar) prosecutions, corruption control, arson prosecutions, consumer and



victim/witness services. Each of these is discussed elsewhere in this report.

The Master Calendar Court coordinates the activity of the Superior Courts assigned to the Criminal Division. The trial assignment policies of the San Francisco Master Calendar Court and the District Attorney's Office have for many years produced a speedy trial record that is a model for the entire nation. Presently, all felony trials are set to begin within thirty days after the defendant has been arraigned and entered a plea. In practice, nearly all trials commence within the thirty days set by the Master Calendar judge. It is the policy of the District Attorney's Office to encourage and cooperate with these trial setting practices of the Superior Court.

In summary, the San Francisco District Attorney has placed top priority on the tough and effective prosecution of felony cases with special emphasis on the prosecution of violent and fear producing crimes. Cases are screened prior to filing and cases are filed as felonies only where the facts indicate a felony took place. Felonies are prosecuted by specialty teams who are prepared to take every case to trial. The result is that felony prosecutions are taken seriously, that an increasing number of defendants admit guilt and the number of cases receiving state prison sentences has increased 2 1/2 times in 3 1/2 years.



# FELONY DISPOSITION STATISTICS

	FY 1975-76	FY 1976-77	FY 1977-78	FY 1978-79
Felony arrests (adults over 18) <sup>1</sup>	9,966	9,974	11,406	11, 244
Felony defendants accused in Municipal Court <sup>2</sup>	5,404	4,768	5,621	6,038
Dismissals in Municipal Court <sup>2</sup>	1,222	1,123	1,465	1,707
Plea of guilty in Municipal Court; misdemeanor <sup>2</sup>	994	472	1,137	504
Plea of guilty in Municipal Court; felony <sup>2</sup>	142	234	384	391
Number accused in Superior Court (by information or indictment) <sup>3</sup>	2,649	2,638	2,553	2,612
Probation Revocation Hearings in Superior Court <sup>3</sup>	2,276	3,435	3,567	3,526
Pretrial Settlement Conferences <sup>3</sup>	1,441	1,172	1,617	1,641
Dismissal in Superior Court before trial <sup>3</sup>	256	269	297	360
Dismissal or acquittal in Superior Court after trial <sup>3</sup>	27	17	19	15
Convicted after plea of guilty <sup>4</sup>	1,798	2,248	2,149	2,545
Convicted after jury trial <sup>4</sup>	143	156	163	166
Juries sworn <sup>3</sup>	212	218	238	204
Felony conviction after trial <sup>3</sup>	191	195	189	171





	FY 1975-76	FY 1976-77	FY 1977-78	FY 1978-79
Sentenced to State Prison <sup>4</sup>	393	630	853	998
Committed to California Youth Authority <sup>4</sup>	69	84	68	69
Committed to California Rehabilitation Center <sup>4</sup>	248	208	96	109
Sentenced to County Jail (without probation) <sup>4</sup>	50	49	35	20
Granted probation (including County Jail) <sup>4</sup>	1,224	1,552	1,312	1,456

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1. San Francisco Police Department, CABLE Reports
  2. Municipal Court Clerk, Municipal Court Summary Report
  3. Administrative Office of the Courts, Superior Courts recapitulation
  4. San Francisco County Clerk, Statistical Report



## MISDEMEANOR PROSECUTIONS

Misdemeanor crime is a problem of many dimensions. Some misdemeanors are acts which though serious are extremely common. Others have the same elements as felonies, but are not serious enough to be treated as felonies.

Finally, there is a sizeable portion of misdemeanors which represents a societal equivalent of the human response "there ought to be a law" or "what if everyone did that".

The trouble with the latter group of misdemeanors is that there are many such laws, and that a remarkable number of people do what society has proscribed.

Even "low order" misdemeanors are serious. A petty act repeated by literally thousands of people becomes a big problem. There are more arrests for public drunkenness in a year than for all felonies combined.

Misdemeanors tend to be quality of life crimes in that when allowed to thrive they can render large segments of the city unpleasant. They are often economically significant in that unpleasant commercial districts do not draw affluent consumers.

The prosecution of misdemeanor crime is a problem of volume. The Municipal Court can only try a few hundred cases per year, while there were 36,213 non-traffic misdemeanor arrests in 1978-79. Misdemeanor constitute numerically about 80% of the office caseload, but command only about 20% of our attorney resource.





Assigning additional deputies to misdemeanor prosecutions would not be productive. First, local funds are simply not available. Second, it would not be wise to undermine felony staffing. Third, and most important, the misdemeanor portion of the criminal justice system is operating at full capacity, and adding attorneys without adding courts, judges and jails would have no effect. The table of misdemeanor statistics which follows verifies this last point, while arrests have increased by almost 40% over the past four years, the "system" has increased convictions by only 9%.

Faced with this reality, a district attorney cannot hope to control misdemeanor crime, he can only respond to it. Because of the seriousness of misdemeanor crime, the nature of that response is most important.

This administration responds in two ways. First, there are priority responses and second, there are containment responses. Priority is given to misdemeanors where the criminal act has the elements of a felony but where evidence or witness testimony will only support misdemeanor prosecution. Misdemeanors which involve weapons, violence or significant property loss also receive priority as do misdemeanors which are part of a long history of criminality. Containment prosecutions respond to specific problems. If crime of a certain type or in a certain location is on the increase, it can often be brought back down by targeted prosecutions.



The best solution, however, lies in the development of alternatives to criminal prosecution to low-grade misdemeanors. This administration has fully supported Neighborhood Dispute Resolution Boards, arbitration, diversion and citation hearings as more effective mechanisms for dealing with many misdemeanor crimes. These all are important efforts.



MUNICIPAL COURT OPERATIONS

	<u>FY 1975-76</u>	<u>FY 1976-77</u>	<u>FY 1977-78</u>	<u>FY 1978-79</u>
Defendants Accused				
Penal Code Violations	11,001	10,691	15,320	19,517
Local Ordinance, Intoxication	4,340	2,451	6,919	11,109
Infractions	892	3,752	2,417	3,210
Vehicle Code (hit and run, driving under the influence, reckless driving with injury, traffic felonies reduced pursuant to P.C. Section 1764	5,482	5,326	3,962	3,879
All other traffic violations	2,419	2,153	3,196	3,836
Juries sworn	167	172	218	170
Motions to Suppress	250	385	435	151
Pretrial Settlement Conferences	6,797	7,870	7,886	7,661
Probation Hearings	1,156	1,477	1,345	724

SOURCE: Clerk, Municipal CCourt, Summary Report 2A





NON-TRAFFIC MISDEMEANORS

	<u>FY 75-76</u>	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Arrests	25,965	26,612	31,534	36,213
Def. Accused	15,351	13,142	22,239	30,626
Dismissed without app.	55	64	4,167	7,689
Dismissed after app.	4,518	3,911	7,584	11,335
Pleas of guilty	10,609	9,132	11,827	11,296
Trials				
Court (Acquitted/Convicted)	61/117	61/97	270/120	89/72
Jury (Acquitted/Convicted)	49/88	67/103	61/87	27/49
Convictions	10,814	9,332	12,034	11,417



## GRAND JURY

State law provides for two Grand Juries in San Francisco. One Grand Jury meets at City Hall and its primary function is to review the operation of municipal government in San Francisco. The other Grand Jury meets at the Hall of Justice and its function is to hear criminal cases. During the fiscal year 1977-78 the criminal investigation Grand Jury heard 359 witnesses, and returned 34 indictments containing 402 charges. The indictments involved 101 defendants.

The majority of the criminal cases brought to the Grand Jury involve crimes wherein the witnesses are very young or have been threatened and thus are reluctant to testify, complex cases requiring lengthy hearings and extensive use of the subpoena power, and examinations into allegations of official corruption. In this regard, the Special Prosecutions Unit of the District Attorney's Office has made extensive use of the investigatory and indictment functions of the Grand Jury. In the past two fiscal years, the Grand Jury returned many noteworthy indictments following investigations into the Police Pawnshop Detail, the notorious encounter parlors, the Redevelopment Agency, and indictments were returned in the police "sting" operation and in the Golden Dragon murders.

In November of 1978, the California Supreme Court ruled that persons indicted by the Grand Jury were entitled to a post-indictment preliminary hearing before standing trial. This ruling substantially eliminates the Grand Jury as a means of charging





persons with crime; however, the Grand Jury remains a major investigative force because of its powers to subpoena witnesses and records and to obtain testimony for limited use in later trials. It is the policy of the District Attorney's Office to continue to use the Grand Jury to investigate business crime, consumer fraud, official corruption, and criminal conspiracies.



## JUVENILE DIVISION

The Juvenile Division of the District Attorney's office is located in the Youth Guidance Center. It has responsibility for prosecuting juvenile offenders whose cases are referred to it by the Juvenile Probation Department. Until and unless cases are referred to the District Attorney by probation officers, no charges can be filed. The probation officer, under the Juvenile Court Law, has an independent investigatory function and a quasi-judicial role which allows him to screen out cases which he does not deem worthy of court action. Between two thirds and three quarters of all juvenile criminal arrests are handled informally by probation officers and, consequently, do not reach the District Attorney for prosecution. This procedure is substantially different from the way adult offenders are handled in the normal criminal courts. Juvenile court proceedings are closed.

In 1978, there were 5804 arrests of juveniles referred to the Juvenile Probation Department; charges were filed against 1949. Approximately 410 juveniles were sent to semi-secure and secure placements (Log Cabin Ranch School, Hidden Valley Ranch School, and the California Youth Authority.) The remainder were sent to out-of-home placements (group homes, foster homes, etc.) or were returned to their homes. The proportion of offenders committed to secure and semi-secure placements will probably decrease in 1979 as a result of the closing of Hidden Valley Ranch School.

The Juvenile Court's lack of sentencing options is a serious problem which has gotten progressively worse at the same time



that the character of juvenile crime has become more sophisticated. There are now no disciplinary facilities, other than the restrictive California Youth Authority, for girls or for boys under 15 (the girls' center and Hidden Valley Ranch School having been closed in 1977 and 1978 respectively). There are also no remaining community service work programs which will take most juvenile offenders. The lack of semi-secure placements and community work programs, when coupled with the judiciary's reticence about sentencing all but the most confirmed recidivist offenders to the California Youth Authority, has created an alarming situation which lends some credence to the continual allegations that the Youth Guidance Center is a revolving door facility which fails to engender respect from either the juvenile offenders themselves or the police.

The first part of the paper discusses the importance of the study of the history of the English language. It is noted that the English language has a long and rich history, and that the study of its development is of great importance to the understanding of the language itself. The paper then goes on to discuss the various factors that have influenced the development of the English language, such as the influence of other languages, the influence of social and cultural changes, and the influence of technological advances. The paper concludes by noting that the study of the history of the English language is a continuing process, and that it is important to keep up to date with the latest research in this field.



## PSYCHIATRIC COURT

The primary functions of psychiatric court deputies are as follows:

- A. To represent the People in conservatorship and ancillary proceedings as required by Welfare and Institutions Code Section 5114.
- B. To investigate allegations that persons are mentally disordered or addicted to narcotics or other habit forming drugs and, when appropriate, to take action under applicable Penal or Welfare and Institutions Code provisions.
- C. To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, chronic alcoholism, and drug addiction.

In addition, the Psychiatric Division serves as a clearing house for information regarding mental illness, mental deficiency, alcoholism, drug and narcotic addiction. Direct referrals are received from practically all the local and private agencies dealing with social problems, and numerous interviews are held with private citizens regarding their relevant problems. Home visits are made; background information on cases in progress is gathered.

Conservatorship proceedings (under the Lanterman-Petris-Short Act) are instituted to provide care, supervision, and where appropriate, institutional commitment for persons who, as



a result of mental disorder, are unable to provide for the basic personal needs of food, clothing or shelter.

Conservatorship is often opposed by patients, either by contested hearing, a writ of habeas corpus, a jury trial on the issue of "grave disability" or by a review hearing. The People are charged with the responsibility of presenting evidence to support the recommendations of psychiatrists and conservatorship investigators that a conservator is needed to assist a patient in providing for basic needs.

Citizen complaints concerning mental illness, alcoholism and drug addiction are investigated by a psychologist employed as a psychiatric investigator in the District Attorney's Office. In addition to his duties with the public, he assists with investigation and preparation of cases where psychiatric background is shown. In misdemeanor cases where defendants, because of their mental condition, have been diverted from normal channels of the criminal justice system to hospitals or local psychiatric facilities, detailed follow-up investigation is conducted by the psychiatric investigator. Additionally, the investigator assists in the investigations to locate relatives or other interested persons who are willing and able to assume responsibility for the patient and arrange private psychiatric care or hospitalization without the necessity of court proceedings.

The increase in the number of these cases, especially the great increase in the number of contested matters which are



very time consuming both in preparation and in court, will require the District Attorney's Office to expand this division. A full time attorney and the services of additional attorneys on part time assignment will be necessary.

PSYCHIATRIC DIVISION OF THE SUPERIOR COURT

	<u>1975-76</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>
Notices of certification filed (14-day intensive treatment)	581	541	620	966
New petitions for conservatorship filed (does not include renewals)	403	450	561	693
Conservatorships granted	180	172	228	237
Writs of Habeas Corpus filed	N/A	54	154	146
Writs of Habeas Corpus withdrawn	N/A	18	72	63
Writs of Habeas Corpus granted	N/A	6	16	13
Writs of Habeas Corpus denied	N/A	30	66	70

SOURCE: Clerk, Superior Court Psychiatric Division





## INVESTIGATION

District Attorney Investigators perform all post-arrest misdemeanor investigations, prepare demonstrable evidence for trial, support the Police Bureau of Inspectors in large or complex cases and perform a variety of witness services in special cases.

In addition, the Investigators are increasingly involved in original investigations of economic crime, public corruption, and cases where the police are ill-prepared or inappropriate. District Attorney Investigators respond to all incidents of shooting by or of a police officer.

New emphasis has been placed on training and on professionalism of criminal investigators. The investigative bureau has been reorganized under the direction of a former career police detective on assignment from the San Francisco Police Department. Regular investigative training classes and weapons qualification have been instituted. The scope of investigative work has been broadened considerably as investigations extend to areas heretofore not considered within the purview of District Attorney investigators. Investigators have been involved in the full spectrum of investigative functions, from interviews to surveillance and arrests.

San Francisco County District Attorney investigators make independent investigations and routinely work with police and federal investigators in a smooth and effective fashion. Though it is impossible for manpower reasons to work on every major crime, witness and evidence problems are minimized when a



court seasoned investigator is involved early in the case. Because of court experience and the resultant familiarity with criminal law and the rules of evidence, the District Attorney investigator plays an important role in improving the case for later courtroom presentation.

Our experience with the effectiveness of investigative efforts in improving cases supports the findings of a 1975 Rand Corporation study which indicated that investigative resources are most effectively deployed in support of prosecution. They found that investigators are generally better at developing cases than making arrests.

District Attorney investigators exist as a law enforcement agency independent of the police. It is in this capacity that we have established a stand-by plan which responds to all incidents which involve a shooting of or by a police officer.



## THE CONSUMER FRAUD/ECONOMIC CRIME UNIT

The Consumer Fraud/Economic Crime Unit's charge is three fold. It provides consumers and legitimate businesses with mediation services, education and protection.

The San Francisco District Attorney's Office provides a range of consumer services which is unique in the State of California. This is necessitated by the fact that there is no other local agency charged with consumer protection responsibility.

In addition to the traditional activities of civil and criminal litigation of California's consumer laws, the Consumer Fraud/Economic Crime Unit engages in mediation, outreach and education activities.

The unit was organized in March, 1976. The staff of the Unit is made up of attorneys, investigators, complaint mediation investigators, an accountant, a community outreach project, and a Small Claims Project. At all times there are staff members available who speak Chinese and Spanish. The staff is supplemented by up to 30 interns who volunteer time to work with the Unit. Much equipment and labor are donated by businesses to help in the community and outreach efforts.

The Unit has been able to reach people and communities which have never been served by local government. In addition, there is a continuing increase in requests for service and information from local community and business groups as well as referrals from the San Francisco Police Department.





## Mediation

Complaint mediation provides a means whereby a dispute between a consumer and a business can be resolved without resorting to the courts. The mediators in the Consumer Fraud Unit act as impartial go-betweens in an attempt to help the consumer and the business work out a solution to the problem. These services are directed primarily at protecting and educating those people who have often been the victims of fraudulent, unscrupulous, and unfair business practices...namely, the poor, non-English speaking, and the elderly.

At little cost to the taxpayer because much of the work is performed by student volunteers from local universities and law schools, the complaint resolution staff investigates and mediates over 300 individual consumer complaints each month. The amounts involved in the individual disputes range from a few dollars to several thousand. The complaints include problems with auto repair services, false and misleading advertising, home repairs, and even a complaint by an eleven-year-old boy who wanted his 20 cent refund for returning pop bottles.

In many instances, individual complaints are resolved quickly with just a few telephone calls. Other complaints, however, take weeks of careful research and persistent follow up before a satisfactory resolution is obtained.



From fiscal year 1974-75 to fiscal 1976-77 there was a 155% increase in the monies recovered under mediation. Specifically, in 1976, student volunteers handled 1980 consumer complaints and recovered \$55,509.47 in goods and services for consumers. In 1977, 3309 complaints were resolved and \$99,970.02 was recovered. In 1978 the mediation staff handled 3509 complaints and recovered more than twice the amount from the previous year, \$201,735.84. Since January of this year, volunteers have mediated 1417 complaints and returned \$50,921.19 to consumers. The spirited efforts of the complaint mediation staff have resulted in recovering over \$400,000.00 to date. This innovative approach to dispute resolution has enabled San Franciscans to obtain immediate and much-needed assistance without burdening the already over-crowded court system.

The majority of the costs for running the mediation section has been supplied federally (from grant awards totalling \$80,000 and through CETA funding, \$14,333.00). The total cost in salaries to city taxpayers for these mediation services since 1976 has been \$80,000.00. The worth of in-kind donation of time from volunteer students over the past four years is estimated at \$222,600.00. The figures dramatically speak for themselves. At a cost of \$80,000.00, city taxpayers received over \$400,000.00 in return.

#### Complaint-Mobile

In the past two years, the Complaint-Mobile, which was originally funded through a grant by the Law Enforcement



Assistance Administration, visited over 300 sites, stopping in all districts in the City. Over 1500 complaint forms have been handed out by the trilingual student interns who staff the Complaint-Mobile, and over 800 referrals have been made to residents who needed some form of assistance. The Complaint-Mobile is the only such program operating out of a District Attorney's office in the country.

### Education

As a result of the Complaint-Mobile's visibility, many community groups and schools began requesting more information about their legal rights. To meet this need, the mediation staff began an energetic out-reach program that included lectures to classes and community groups, educational public service announcements about consumer rights, a consumer newsletter, and special self-help legal workshops.

In the past two years, the mediation staff has presented 120 lectures, over 300 consumer alert public service announcements, over 100 consumer radio talk shows, and distributed over 700 consumer newsletters per month to individuals and community groups about their legal rights.

Other specialized programs include the recent Auto Repair workshop presented by the mediation staff's Auto Task Force. Twenty percent of the complaints mediated relate to the automobile and this workshop offered consumer information to San Franciscans who were the victims of auto fraud.





The Bayview-Hunter's Point Festival for Justice, held in February 1979, provided comprehensive legal workshops to this community. Skits, video tapes, and slide shows have also been produced in Chinese and Spanish about different areas of the law such as how to use the Small Claims Court and information pertaining to landlord/tenant matters. Services to seniors include the organization of the Traveling Troupe, a senior drama company that will present live programs on Small Claims Court to senior groups throughout the city, and an extensive lecture program on consumer law to seniors at their nutrition centers and senior clubs. Finally, the mediation staff has an ongoing Small Claims Court Education project, the result of a grant from the Department of Health, Education, and Welfare. As part of the project's out-reach efforts, the staff present bi-weekly workshops at Hastings College of the Law, using audio-visual tools and a lecture to teach people about the court. In the first eight months of this program the Small Claims Court project has counselled 840 people by phone, and 300 litigants in the office and in the field.

The Consumer Fraud/Economic Crime Unit's out-reach programs have helped to establish concrete working relations with legal and community agencies throughout the city, such as the Charles Houston Bar Association, the San Francisco Bar Association, the San Francisco Neighborhood Legal Assistance Foundation, Legal Assistance for the Elderly, Chinese for Affirmative Action, the Commission on Aging, and many others. These contacts have



generated an active referral network from the various community-based organizations to the District Attorney's office.

Litigation

The legal and investigative staffs have pursued a number of cases with the goal of correcting problems in the market-place. With regard to the civil lawsuits filed by this Unit, the aim is to seek injunctive relief such that unlawful, unfair or fraudulent practices are terminated. Restitution is sought for victims, as well as civil penalties as a sanction.

The suits filed by the Unit demonstrate that the District Attorney is willing to enforce the law against all violators, giant or small. As a result of civil and criminal cases filed in fiscal 1976-77, the Unit collected court ordered restitution totalling \$192,392.05 for consumers and collected \$510,427.98 in penalties, costs, and fines. In fiscal 1977-78, consumers received \$246,562.96 through court ordered restitution and \$156,739.57 was collected in penalties, costs, and fines. In fiscal 1978-79, the Unit collected \$346,436.16 through court ordered restitution for consumers and \$176,149.27 in penalties, costs and fines.

The Unit has placed emphasis on frauds in housing and home improvement, automobile services, mail and home solicitations, professional services, food, health and nutrition, business and advertising practices. Most of the more than eighty matters either filed or under active investigation for possible filing may be classified in one of these categories.



CONSUMER FRAUD/ECONOMIC CRIME UNIT

COMPARISON OF STATISTICS

	<u>FY 74-75</u>	<u>FY 75-76</u>	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
<u>Awarded:</u>					
Fines, penalties, costs	\$166,288	\$141,295	\$633,933	\$ 85,348	\$453,125
Restitution--Court-Ordered only	n/a	47,094	264,334	24,677	137,264
<u>Collected:</u>					
Fines, penalties, costs	65,983	53,736	389,532	69,648	176,149
Restitution				246,563	346,436
Restitution without court action (mediation)	49,715	61,805	76,998	166,147	166,781
<hr/>					
Complaints Received	1,366	1,437	3,016	3,664	3,231
Cases mediated			459	821	997
Cases filed			32	26	20
Civil			13	7	5
Criminal			19	19	15

SOURCE: Carlos Jacob, Consumer Fraud Investigator





## FAMILY SUPPORT BUREAU

The Family Support Bureau (FSB) was created in January 1976 to comply with Federal and State laws charging the District Attorney with the responsibility of establishing and enforcing child support obligations in all cases where children receive Aid to Families with Dependent Children (AFDC); and in any case when requested to do so by the custodial parent. These mandated functions produce revenue for San Francisco's General Fund and reduce the City's cost of providing welfare to families.

The FSB is a collection agent and as such its success is measured in terms of dollars collected. The table of collections which follows shows that collections have increased by 16.2% from 1977-78 to 1978-79. This increase was realized with no increase in staff.

FSB collections do not accrue directly to the County. Welfare collections are used to reduce the cost of AFDC, most of which is not local. Non-welfare collections are returned to the custodial parent.

The City and County of San Francisco is compensated for its collection efforts in three ways:

- 1) Welfare collections reduce the local cost of AFDC
- 2) State and Federal programs reimburse the County for a portion of its cost of maintaining a collection program ("administrative reimbursement")
- 3) Federal programs (SEIF and URESA) provide bonus payments to the County for each dollar collected.



These three revenue sources more than cover the cost of collections incurred by both the FSB and the Department of Social Services (DSS). The Child Support Program Revenue, Expense and Profit Statement shows how this has worked to earn a profit for the County for the years '77-'78 and '78-'79.

The reduction in "profit" for '78-'79 is explained by three facts: (1) SEIF and URESA-R incentive formulas were changed downward in '78-'79, (2) operating expenses for DSS increased sharply, and (3) the Proposition 13 "bail-out" bill picked up the local cost of AFDC thus eliminating not only the cost, but also the opportunity for savings.

In 1978-79, the FSB interviewed 10,501 clients and opened files on 6,551 of them. They located 4,869 absent parents of which 4,416 were welfare cases and 452 were non-welfare cases. They made a total of 786 court appearances. The FSB had 17,129 paying cases in 1978-79 which was an increase from 1,764 in 1976-77.

The FSB is unusual in City government; it provides a needed service to San Franciscans, and makes money for the County. The unit was expanded to its current strength in 1977-78 and is now at an adequate and most productive level.



COLLECTIONS

	<u>77-78</u>	<u>78-79</u>
Welfare Collections	2,372,030	2,428,536
Non-welfare Collections	1,289,341	1,243,348
URESА-Responding*		634,495
Other Collections	<u>46,990</u>	<u>3,402</u>
Total	3,708,361	4,309,781

\*Prior to July 1, 1978, URESА-R collections were shown a part of Welfare and Non-Welfare collections.





# CHILD SUPPORT PROGRAM

## REVENUE, EXPENSE AND PROFIT STATEMENT

	<u>77-78</u>	<u>78-79</u>
<u>REVENUES</u>		
SEIF AND URESA-R	<u>449,556</u>	<u>373,465</u>
<u>EXPENDITURES</u>		
FSB operating expenses	1,996,781	2,118,536
DSS-IVD operating expenses	135,641	404,591
Administrative Reimbursement	2,228,150	2,477,317
Net expenditures	<u>95,728</u>	<u>45,810</u>
<u>OTHER</u>		
Savings in SF's AFDC	<u>371,300</u>	
Profit to City	<u>916,584</u>	<u>327,655</u>



## CAREER CRIMINAL PROGRAM

The San Francisco Career Criminal Program is a pioneering effort to target recidivist robbers and burglars for intensive prosecution. The program, which was initiated on July 20, 1977, was originally funded by the Law Enforcement Assistance Administration as a demonstration project. Because of its rapid and dramatic success, the State of California has funded its own Career Criminal Program for spreading this concept of prosecution throughout the State.

### Need for the Career Criminal Program

The San Francisco Career Criminal Program is designed and operates on the theory that a disproportionate number of offenders are responsible for an inordinate number of crimes in the City and County of San Francisco. Because these offenders have either successfully eluded prosecution in the past, or have been repeat failures of the Criminal Justice System's efforts towards rehabilitation, these criminals continued to victimize San Francisco's citizens.

The Career Criminal Program directs specialized intensive prosecutorial efforts toward the career criminal. This has resulted in a greater number of State Prison commitments and longer periods of incarceration, thus interrupting otherwise thriving criminal careers.

The Career Criminal Program restricts its activities to cases of career robbers and burglars. There are several reasons for this specialization. Robberies and burglaries are



high fear crimes. They involve a violation of peoples' "safe zone"; their body or their home. They deteriorate the quality of life that the City provides.

No part of San Francisco is immune to these crimes. Moreover, their volume is so great that for every arrest made there are many crimes that remain unsolved.

Robberies and burglaries are very costly but because of the number of unreported robberies and burglaries in San Francisco, and with unreliable measures of actual property loss and damage, it is difficult to determine the dollar amount of property loss (and the number of accompanying acts of violence) to the citizens of San Francisco. However, an estimate of these figures can be extrapolated from research data and sample studies available for these crimes.

It is estimated that the "average annual offense rate" for the intensive or career criminal is 50.8 crimes. The average value of property loss to the victim of a career robber and burglar can be calculated by multiplying the crime rate by the average loss per offense for a total of \$19,964.40.

During the second year grant period, if the San Francisco Career Criminal Program convicts and commits to State Prison for an average incarceration of 4 years, approximately 60 career criminals, we can estimate a savings to the citizens of the City and County of San Francisco of approximately \$4,791,456.





It is further alleged that career robbers and burglars use or threaten to use force on their victims at an average annual rate of 20.3 offenses. By multiplying the average incarceration of 4 years for approximately 60 career criminals, during the second year an estimated 4,800 actual or attempted assaults on the citizens of San Francisco can be prevented. The reduction of psychological trauma cannot be measured in monetary terms.

#### How it works

Each prospective career criminal case is evaluated according to an objective selection criteria which is based solely upon the criminal history of the defendant and does not take into account any factors which would affect the strength of the case. As a consequence, there has been a philosophical shift from the acceptance of the case based upon its evidentiary strength, to the acceptance of a case based solely upon the criminal history of the defendant.

The Unit follows a non-plea bargaining policy, and makes a demand for State Prison on the top charge on all career criminal cases. As a result, career criminal prosecutors are prepared to go to trial on each case they handle.

The program has established an effective police prosecutor relationship with the Inspectors from both the Robbery and Burglary Details of the San Francisco Police Department. The Inspectors, working closely with the Unit's attorneys and the two Career Criminal Investigators, have helped to increase



significantly, the effectiveness of case investigation, including: search and seizure; interviewing witnesses and victims; collection of evidence, etc., which has resulted in better and more thoroughly prepared cases for trial.

The Career Criminal Program has followed a vertical representation policy on all career criminal cases to assure an effective and consistent prosecutorial strategy throughout the case.

Smaller caseloads for each of the Unit's five attorneys allows more time for meticulous case investigation and a thorough and comprehensive preparation of each case.

The overall success of this program is reflected in its statistics. To date, the program has accepted 302 cases. Two hundred twenty cases have reached a final disposition, with 75% of the defendants receiving a State Prison commitment.



CAREER CRIMINAL STATISTICS\*

	FY 77-78	FY 78-79	Total
Defendants accepted	134	165	302
Active cases	43	39	89
a) Municipal/Superior			60
b) Bench warrant issued			20
c) Fugitive			2
Closed cases	91	129	220
Cases Dismissed	14	18	32
a) Victim unavailable	12	13	25
b) Alibi verified	2	0	2
c) Lack of positive identification	0	1	1
d) 1538.5 (suppress)	0	1	1
e) By the court	0	3	3
Convictions	72	106	178
a) Pleas of guilty	50	77	127
b) Jury trial	19	29	48
c) Probation revocation	3	0	3
State Prison Commitments	69	94	164
County Jail Commitments	3	10	13
1203.03	0	1	1
Jury trials	24	34	58
a) Acquittals	5	5	10
b) Convictions	19	29	48

\*The Career Criminal Program began on July 20, 1977





## SPECIAL PROSECUTION UNIT

The Special Prosecutions Unit (SPU) was established in the summer of 1976 for the express purpose of investigating and prosecuting cases involving official corruption, sophisticated fraud and organized crime. The Unit is comprised of three attorneys, seven investigators, a secretary and a clerk typist. The Unit derives its principal funding through a discretionary grant from the Law Enforcement Assistance Administration of the U.S. Department of Justice.

Before the Unit was established, San Francisco lacked any local law enforcement response directed specifically to sophisticated white collar crime. Neither the District Attorney's office nor the Police Department had the resources to devote to the kind of investigation and prosecution mandated by such cases.

During the past year, the SPU initiated sixty-four (64) major new investigations. Each of these cases requires enormous amounts of investigative time and resources to carry them through to arrest and conviction. By June of 1979, the SPU was pursuing twenty (20) active investigations and maintaining twenty-two additional cases in a pending/inactive state.

In this twelve month period, SPU investigators made 66 arrests on a total of 462 felony counts, principally embezzlement, conspiracy and grand theft. A total of eighteen (18) cases were cleared by these arrests. In the same period forty-five (45) defendants entered pleas of guilty on one, or more of their pending charges, a further eleven (11) were convicted after trial and one defendant was acquitted



Statistics only begin to tell the story of the SPU. Unlike traditional prosecution units which handle large volumes of cases involving such crimes as burglary or robbery, the SPU must necessarily concentrate its resources on a relatively small number of cases due to their increased complexity. Most of these cases begin well before the arrest stage and require significant time for investigation.

The best way to describe the Unit is by a brief description of some of the cases undertaken by the SPU.

In October of 1977, the Unit brought embezzlement prosecutions against the Chief of Purchasing and the former Executive Director of the Housing Authority. The Chief of Purchasing pled guilty, was ordered to pay restitution and placed on probation. The case against the former Executive Director is still pending.

In March of 1978, as a result of two months of intensive surveillance, the Unit arrested all 17 employees of the Parking Meter Division of the San Francisco Tax Collector's office on charges of embezzlement. These employees had been systematically looting the coins collected from parking meters for several years and, in addition, had been collecting eight-hour daily wages for four hours of work. The result of these arrests was an annual saving to the City of about 3/4 of a million dollars in embezzled coins alone. Prosecutions of a number of these employees are still pending.

In June of 1978, the Unit secured indictments against a title company manager and a loan broker for embezzling at least 1.1 million dollars from the title company; these prosecutions, too, are still pending.



In the early summer of 1978, the SPU smashed an international child pornography and prostitution ring headquartered in San Francisco. This case was a joint effort involving the F.B.I. and a host of other Federal agencies (Postal, Immigration, etc.) along with the Special Prosecutions Unit and the San Francisco Police Department. The case was opened upon information received from one of the Unit's informants. Two indictments have been sought to date, Federal and State grand juries are still looking into the matter and investigators are pouring over a mountain of material seized in the search of this outfit's offices and following up leads as far away as Mexico and Puerto Rico.

One facet of this case which was of particular interest to the SPU was the fact that one of the principals in this pornography ring was employed by the San Francisco Redevelopment Agency as the chief of its printing office. There have been allegations that he abused his position by utilizing Redevelopment Agency presses, supplies and personnel in printing of pornographic materials. Our portion of the continuing investigation focused upon this area.

Later in the summer, the SPU joined with agents of U.S. Customs and Immigration and the California Highway Patrol to break up an organized car theft ring composed of Filipino nationals who have, for a number of years, been involved in the smuggling of stolen or embezzled luxury automobiles to the Philippines where they were sold for up to three times their value in California. Investigators believe that this ring may have been responsible for the smuggling of over 293 vehicles with a value in excess of 5 million dollars. Intelligence information received concerning this ring indicates that a number of the principals have been







identified in the Philippines as ranking members of that nation's principal organized crime group or "Mafia". Several of them have extensive rap sheets in the Philippines including a man who murdered two policemen.

It should be noted that before the SPU entered this case, the C.H.P. and Customs agents had been unable to interest either State or Federal prosecutors in this case, apparently because of its size and complexity. They had been turned away by the U.S. Attorney and another county's District Attorney who cited a lack of jurisdiction and lack of resources as reasons for not taking the case.

Another case involves the granting of a major lease for the development of Pier 39 by the San Francisco Port Commission under circumstances that have given rise to allegations of bribery and conflict of interest against a variety of City officials and employees. This investigation required the examination of thousands of documents, Commission minutes and transcripts, financial records and plans as well as a large number of interviews.

The investigation continued throughout the year. One attorney and one investigator worked full-time on the investigation. Witnesses were called before the grand jury weekly and reams of records and documents were reviewed.

In August, 1978, a long term investigation bore fruit in the form of twenty-one indictments on charges of conspiracy, exbezzlement, forgery and others. This case involved the use of computer matching to uncover a conspiracy to embezzle public welfare funds from the Department of Social Services by submitting



false claims against the accounts of deceased welfare recipients. Three employees of the Department of Social Services were among the twenty-one indicted. To date, seventeen persons have been convicted of felonies and misdemeanors as a result of this investigation and prosecution.

The fall and winter were dominated by two tragic events: the murder/suicides in Jonestown, Guyana and the assassination of San Francisco's Mayor George Moscone and Supervisor Harvey Milk. Beginning in mid-November when these events began to unfold with the murder of Congressman Leo Ryan and members of his party while touring the People's Temple complex in Jonestown, the SPU was placed on an emergency footing. All investigators were assigned to the People's Temple matter on a full-time basis including much overtime work. This state of emergency continued for several months.

Almost all work on other investigations ceased. With the murder of the Mayor and a member of the Board of Supervisors, two of the investigators from the SPU were detailed to assist in that matter.

During the Spring, the SPU continued to expand the scope and depth of its intelligence files concerning cult organizations. With one exception, however, the Unit was able to step down from the emergency status.

The one exception occurred after the trial of former San Francisco Supervisor Dan White for the murders of Mayor George Moscone and Supervisor Harvey Milk. The public reaction to the manslaughter verdicts in the case culminated on May 21, 1979 in one of the worst riots in San Francisco history and a heightening



in the tension between the gay community and the Police Department. As a result, all investigators from the Special Prosecutions Unit were assigned to monitor the situation and to work special security details for a period of several weeks. This emergency has also abated.

There were six arrests made by investigators from the Unit during this period. One arrest, made at the request of the San Mateo District Attorney's Office, was of a former employee of that County, who had embezzled thousands of dollars from the San Mateo Department of Social Services. Two more arrests were made in the San Francisco Department of Social Services embezzlement case. This brought the total number of arrests in that case to twenty, leaving only one suspect unaccounted for.

In early June, 1979, Special Prosecutions investigators and agents from the California Department of Motor Vehicles broke up an organization engaged in the manufacture of false identification papers (e.g. birth certificates, driver's licenses, alien registration cards). Acting upon informant information, under-cover investigators were able to penetrate the organization and locate the manufacturing equipment and form blanks. All of these were seized and the head of the organization and his chief assistant were arrested; approximately a dozen illegal aliens were also arrested and deported (their arrests are not counted in the totals reported).

The activities of the Special Prosecutions Unit are unusual in local law enforcement in the level of detail and sophistication required and accordingly in the time required for investigation and prosecution of official corruption and conspiratorial crimes.







### VICTIM/WITNESS ASSISTANCE PROGRAM

The Victim/Witness Assistance Project (V/WAP), which began operations on January 1, 1978, was funded in October, 1977 through a grant from the Mayor's Criminal Justice Council for \$98,000. Under the sponsorship of the District Attorney's Office, the V/WAP seeks to make the often baffling criminal justice system more understandable and accessible to victims and witnesses alike. The goals of the project are twofold:

1. "to assure that victims of violent crime are informed of the community and government resources available to them; and
2. to make the criminal justice system more responsible to the needs of witnesses in criminal actions.

To carry out these goals, the V/WAP provides a variety of direct services to victims and witnesses, including information and referral, transportation, liaison with criminal justice and social services agencies, assistance in applying for State Compensation for Victims of Violent Crimes, and reception and guidance at court. Additionally, the project conducts education and awareness work in the community and within the service delivery system regarding victimization, and services to victims and witnesses.

Planning for the V/WAP spanned a two-year period with input from at least thirty organizations. The various agencies and groups involved, including the District Attorney's Office, the Police Department, the Barristers Club, and the Commission on



Aging, each held different expectations for the project based on their particular concerns. A ten member Policy Committee was formed, and functions to provide direction and focus for the project.

#### Statement of Need

Numerous studies have been conducted, most particularly that of the National Advisory Commission on Criminal Justice Standards and Goals, which have confirmed that citizens who become involved with the criminal justice system, either as victims of crimes or as witnesses to crimes, are in many ways further victimized by that system. Numerous protections and services are provided for the accused--which is as it should be--but practically nothing is provided for the victim or the witness. Their willing cooperation is assumed.

Several surveys have shown that a tremendously large percentage of victims and witnesses were unaware of both the rights and obligations that they have in those capacities.

San Francisco has a rate of 71 violent crime victimizations per 1,000 population, according to a 12,000 household survey of the city conducted by the LEAA (Criminal Victimization Surveys in 13 American Cities, Law Enforcement Assistance Administration, U.S. Department of Justice, 1975).

The survey indicated that approximately 40% of such victims said that they reported their victimization to the police. Only one city of the 13 major cities surveyed, Houston, reported a lower percentage of victims reporting to the police. The cities averaged 49% reporting by victims of violent crime.



On April 18, 1977, Mayor Goerge R. Moscone signed into law an ordinance establishing the Victim/Witness Assistance Program in San Francisco. The ordinance is a close parallel to the grant application which the Mayor's Criminal Justice Council approved for fiscal 1977-1978; the second-year grant application was also approved by the Mayor's Criminal Justice Council and became operational November 1, 1978.

#### Program Description

The V/WAP staff consists of an Executive Director, two Staff Assistants, and two Clerk-Stenographers. The Executive Director is responsible for overall project administration, and for liaison with the project's Policy Committee, as well as with the State Board of Control and criminal justice and social service agencies serving a mutual clientele. The Staff Assistants are responsible for day-to-day program activities. In this regard, they oversee the client caseload and engage in community outreach activities (e.g., presentations and training).

The program relies on a core of trained volunteers to handle much of the client caseload. Currently, there is a pool of nearly twenty volunteers, with approximately ten working regularly, usually from four to eight hours per week. Volunteer recruitment is a continual process. Volunteers are recruited from all over San Francisco and attempts are always being made to assure that all of the City's diverse communities are represented in the V/WAP volunteer staff.

There are three primary program components: victim, witness, and outreach.





### Victim Component

Any victim of a violent crime (i.e., a person who has been injured by an assailant during a criminal act) who resides in San Francisco is eligible for V/WAP services.

Victims come to the project through referral by the police, the District Attorney's Office, and community-based programs; responses to project outreach efforts; or through self-selection, initiating their own contact with the project. Currently, police officers are asked to provide all victims of violent crimes with a card describing the State Compensation Program, which contains the V/WAP telephone number.

Police reports on all victims of violent crimes are forwarded to the project on a daily basis.

The primary focus of the project has been direct services to victims, usually involving assistance with filing for State Compensation, transportation, or information and referral. Client caseloads are assigned to volunteers, and the two staff assistants handle a large caseload as well.

### Witness Component

The witness component of the program has not been as fully developed as the victim component, although the project does occasionally provide transportation to witnesses; and is in the process of drafting a Witness Handbook for dissemination to clients. Additionally, one volunteer works on a regular basis at the witness waiting room of the Youth Guidance Center. She answers inquiries from witnesses, checks people in and out of



court, watches young children while their parents testify, and generally oversees the flow of witnesses and serves as a liaison between the District Attorney and witnesses.

#### Community Outreach Component

In addition to providing direct client services, the V/WAP engages in community outreach which primarily involves public presentations, training, and participation on boards and committees. Community presentations usually focus on program services and community resources, while staff training for service-providing agencies stresses crisis intervention techniques, the effects of victimization, as well as available community resources.

In the area of community services, the V/WAP has accomplished a variety of activities. A total of 45 public presentations were made from January 1, 1978, through July 15, 1978. Several presentations have been to neighborhood block clubs, often in collaboration with a Project SAFE member. Other presentations were made to such groups as the Asian American Bar Association; Police Community Relations Advisory Board groups; Children's Protective Services; San Francisco Community College; California Probation, Parole and Corrections Association; and numerous senior citizens groups.

#### Statistics

The statistics which follow provide a breakdown of cases closed during the period August 1978 through June 1979. Figures for the period prior to August 1978 are heavily influenced by program start-up considerations, are not indicative of program



operations, and are therefor not included. The breakdown of "services provided" includes claims for state compensation submitted but not awarded or denied and thus includes more cases than the other breakdowns which only include closed cases.





# VICTIM/WITNESS ASSISTANCE PROGRAM STATISTICS

## Analysis of Cases Closed 78-79

<u>REFERRAL SOURCE</u>	<u>#</u>	<u>%</u>
Police Report follow-up	766	66.2
Client initiated	210	18.2
Social Service Agency	68	5.9
District Attorney	37	3.2
Form Letter	44	3.8
Other and unknown	32	2.8
	<u>1157</u>	<u>100.1</u>

## TYPE OF CRIME

Homicide	55	4.8
Domestic Violence	199	17.2
Assault	211	18.2
Robbery	79	6.8
Other and unknown	40	3.5
Sexual Assault	237	20.5
Robbery and Assault	336	29.0
	<u>1157</u>	<u>100.0</u>

## SERVICE PROVIDED

Information	587	46.8
State Compensation	119	9.5
Emotional Support	129	10.3
Referral	176	14.0
Advocacy	195	15.5
Transportation	33	2.6
Other	16	1.3
	<u>1255</u>	<u>100.0</u>

## COMPENSATION CLAIMS

No. of claims submitted	130
Value of claims submitted	\$388,835
No. of Claims Awarded	31
Value of claims awarded	\$56,281
No. of Claims Denied	5



## New Programs

During 1978-79 the District Attorney's Office and the Victim/Witness Assistance Program applied for and were awarded Federal grant funds with which to implement two new Victim/Witness programs. These two awards amount to more than \$250,000.00.

The first award is to implement an Integrated Police-Prosecutor Witness Assistance Project which will focus on subpoena service and the provision of support services to witnesses subpoenaed. The purpose is to make witness participation a less onerous prospect, to improve witness cooperation, and to reduce the cost of subpoena service.

The second award is for a Family Violence Project which will coordinate the panoply of services now provided by various agencies for victims of family violence.

Both of these new programs build on the philosophy and commitment embodied in the Victim/Witness Assistance Project; we cannot fully serve justice unless we serve the needs of those most directly influenced by criminal acts.



## ELECTIONS/CAMPAIGNS LAW ENFORCEMENT

During 1977-78 the District Attorney's office continued its policy of local enforcement of state campaign contribution reporting and election laws. The District Attorney has authority under the Political Reform Act of 1974 to prosecute all criminal violations of the Act occurring within San Francisco County. During 1977-78 an assistant district attorney experienced in election and campaign law and one part-time investigator were assigned to supervise election and campaign law enforcement activities by this office. Regular liaison was established with the California Secretary of State's Office and the State Fair Political Practices Commission. In addition, the San Francisco Registrar of Voters was able to coordinate his own enforcement role with that of the District Attorney in the area of candidate and committee report filings.

Preceding, during and after the November 8, 1977 General Municipal Election and the June 6, 1978 Primary Election this office investigated all complaints of improper registration of voters and other election related matters to insure the security and accuracy of balloting in San Francisco. Although no criminal charges were filed, numerous voter registration irregularities were ordered corrected. The District Attorney's Office also undertook, by way of interviews and public announcements, to inform candidates and voters of their rights and responsibilities in the conduct of the city's election.





The proper filing of all required campaign reports was strictly monitored by the District Attorney and late filers were notified to comply or face possible criminal prosecution or a suit for civil damages for their non-compliance with the Political Reform Act (Government Code Section 18100 et seq) or the San Francisco Campaign Contribution Control Ordinance (San Francisco Administrative Code Section 16.501 et seq).

Although this office does not render advisory legal opinions, the staff of the District Attorney's Office did make itself readily available to candidates or their supporters to assist them in complying with the increasingly complex body of law that governs elections and campaigning in California.



## WELFARE FRAUD

During 1977-78 the District Attorney's Office consolidated its social welfare crime investigation and prosecution activities. One assistant district attorney was assigned to supervise and coordinate prosecutions of welfare program violators and to provide liaison with the many local, state, and federal agencies dealing with social welfare. The principal programs where state criminal law violations occur are Aid to Families with Dependent Children (AFDC), General Assistance (GA), Food Stamps, and Medi-Cal.

Beginning in October, 1977 the Department of Social Services in coordination with the District Attorney's Office and federal authorities, initiated a series of computer matching programs to detect city or federal employees who were receiving various types of social welfare benefits because of their failure to report their true income. The District Attorney obtained 13 convictions of this type of offender and in addition to other punishment, \$49,402.50 in restitution was ordered to be paid to the City and County of San Francisco. The computer matching of the various city welfare rolls to the city and federal employment rolls has become a regular feature of welfare fraud investigations.

During late 1978 investigations were concluded by the Special Prosecutions Unit of the District Attorney's Office and the Supervising Deputy for Social Welfare Crime into acts of corruption by employees of the Department of Social Services involved in the Home Chore Worker program. The San Francisco



Grand Jury indicted 21 persons for acts of embezzlement, forgery, fraud, and conspiracy. By July, 1979, 18 persons had been convicted of felony and misdemeanor charges resulting from this investigation. Three defendants named in the indictments remained at large during the reporting period and are believed to have fled the jurisdiction.

During 1977-78 the function of prosecution of welfare check thefts and forgeries was re-assigned to the Fraud Team of the District Attorney's Office with back-up and liaison provided by the Welfare Fraud Section's supervising district attorney.

Prosecutions for violating state medical assistance (Medi-Cal) laws, including investigations and prosecutions of fraud by medical services providers, are now conducted by the Social Welfare Crime section. The investigations are conducted in coordination with the California Department of Health's Medi-Cal Fraud Investigations Unit located in San Francisco.

During 1977-78 there were 63 prosecutions begun for various crimes against the social welfare system. During the same period 38 convictions were obtained, both felonies and misdemeanors, and a total of \$134,348.00 in restitution was ordered.

In the 1978-79 reporting period there were 48 prosecutions initiated for various criminal violations of social welfare programs. During this period there were 43 convictions, both felonies and misdemeanors, and a total of \$249,116.06 in resistution was ordered.















